



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

April 13, 2022

NOTICE OF CIVIL SERVICE COMMISSION MEETING

SUBJECT: REVIEW OF MODIFICATION REQUEST FOR PERSONAL SERVICES CONTRACT NUMBER 38633-21/22 – OMIT POSTING.

The above matter will be considered by the Civil Service Commission at a hybrid meeting (in-person and virtual) to be held in Room 400, City Hall, 1 Dr. Goodlett Place, San Francisco, California 94102 on **April 18, 2022, at 2:00 p.m.**

This item will appear on the Regular Agenda. Please refer to the attached Notice for procedural and other information about Commission hearings.

Attendance by you or an authorized representative is welcome. Should you or your representative not attend, the Commission will rule on the information previously submitted and testimony provided at its meeting. All calendared items will be heard and resolved at this time unless good reasons are presented for a continuance.

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG
Executive Officer

Attachment

Cc: Kyndra Cox, Public Utilities Commission
Shawndrea Hale, Public Utilities Commission
Daniel Kwon, Public Utilities Commission
James Sakai, Public Utilities Commission
Commission File
Commissioners' Binder
Chron

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

A. Commission Office

The Civil Service Commission office is located at, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102. The telephone number is (628) 652-1100. The fax number is (628) 652-1109. The email address is civilservice@sfgov.org and the web address is www.sfgov.org/civilservice/. Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

B. Policy Requiring Written Reports

It is the policy of the Civil Service Commission that except for appeals filed under Civil Service Commission Rule 111A Position-Based Testing, all items appearing on its agenda be supported by a written report prepared by Commission or departmental staff. All documents referred to in any Agenda Document are posted adjacent to the Agenda, or if more than one (1) page in length, available for public inspection and copying at the Civil Service Commission office. Reports from City and County personnel supporting agenda items are submitted in accordance with the procedures established by the Executive Officer. Reports not submitted according to procedures, in the format and quantity required, and by the deadline, will not be calendared.

C. Policy on Written Submissions by Appellants

All written material submitted by appellants to be considered by the Commission in support of an agenda item shall be submitted to the Commission office, no later than 5:00 p.m. on the fourth (4th) business day preceding the Commission meeting for which the item is calendared (ordinarily, on Tuesday). An original and nine (9) copies on 8 1/2-inch X 11 inch paper, three-hole punched on left margin, and page numbered in the bottom center margin, shall be provided. Written material submitted for the Commission's review becomes part of a public record and shall be open for public inspection.

D. Policy on Materials being Considered by the Commission

Copies of all staff reports and materials being considered by the Civil Service Commission are available for public view 72 hours prior to the Civil Service Commission meeting on the Civil Service Commission's website at www.sfgov.org/CivilService, and in its office located at 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102. If any materials related to an item on this agenda have been distributed to the Civil Service Commission after distribution of the agenda packet, those materials will be available for public inspection at the Civil Service Commission's during normal office hours (8:00 a.m. to 5:00 p.m. Monday through Friday).

E. Policy and Procedure for Hearings to be Scheduled after 5:00 p.m. and Requests for Postponement

A request to hear an item after 5:00 p.m. should be directed to the Executive Officer as soon as possible following the receipt of notification of an upcoming hearing. Requests may be made by telephone at (628) 652-1100 and confirmed in writing or by fax at (628) 652-1109.

A request for a postponement (continuance) to delay an item to another meeting may be directed to the Commission Executive Officer by telephone or in writing. Before acting, the Executive Officer may refer certain requests to another City official for recommendation. Telephone requests must be confirmed in writing prior to the meeting. Immediately following the "Announcement of Changes" portion of the agenda at the beginning of the meeting, the Commission will consider a request for a postponement that has been previously denied. Appeals filed under Civil Service Commission Rule 111A Position-Based Testing shall be considered on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and the Department of Human Resources.

F. Policy and Procedure on Hearing Items Out of Order

Requests to hear items out of order are to be directed to the Commission President at the beginning of the agenda. The President will rule on each request. Such requests may be granted with mutual agreement among the affected parties.

G. Procedure for Commission Hearings

All Commission hearings on disputed matters shall conform to the following procedures: The Commission reserves the right to question each party during its presentation and, in its discretion, to modify any time allocations and requirements.

If a matter is severed from the *Consent Agenda* or the *Ratification Agenda*, presentation by the opponent will be for a maximum time limit of five (5) minutes and response by the departmental representative for a maximum time limit of five (5) minutes. Requests by the public to sever items from the [*Consent Agenda* or] *Ratification Agenda* must be provided with justification for the record.

For items on the *Regular Agenda*, presentation by the departmental representative for a maximum time of five (5) minutes and response by the opponent for a maximum time limit of five (5) minutes.

For items on the *Separations Agenda*, presentation by the department followed by the employee or employee's representative shall be for a maximum time limit of ten (10) minutes for each party unless extended by the Commission.

Each presentation shall conform to the following:

1. Opening summary of case (brief overview);
2. Discussion of evidence;
3. Corroborating witnesses, if necessary; and
4. Closing remarks.

The Commission may allocate five (5) minutes for each side to rebut evidence presented by the other side.

H. Policy on Audio Recording of Commission Meetings

As provided in the San Francisco Sunshine Ordinance, all Commission meetings are audio recorded in digital form. These audio recordings of open sessions are available starting on the day after the Commission meeting on the Civil Service Commission website at www.sfgov.org/civilservice/.

I. Speaking before the Civil Service Commission

Speaker cards are not required. The Commission will take public comment on all items appearing on the agenda at the time the item is heard. The Commission will take public comment on matters not on the Agenda, but within the jurisdiction of the Commission during the "Requests to Speak" portion of the regular meeting. Maximum time will be three (3) minutes. A subsequent comment after the three (3) minute period is limited to one (1) minute. The timer shall be in operation during public comment. Upon any specific request by a Commissioner, time may be extended.

J. Public Comment and Due Process

During general public comment, members of the public sometimes wish to address the Civil Service Commission regarding matters that may come before the Commission in its capacity as an adjudicative body. The Commission does not restrict this use of general public comment. To protect the due process rights of parties to its adjudicative proceedings, however, the Commission will not consider, in connection with any adjudicative proceeding, statements made during general public comment. If members of the public have information that they believe to be relevant to a matter that will come before the Commission in its adjudicative capacity, they may wish to address the Commission during the public comment portion of that adjudicative proceeding. The Commission will not consider public comment in connection with an adjudicative proceeding without providing the parties an opportunity to respond.

K. Policy on use of Cell Phones, Pagers and Similar Sound-Producing Electronic Devices at and During Public Meetings

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Information on Disability Access

The Civil Service Commission normally meets in Room 400 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place. However, meetings not held in this room are conducted in the Civic Center area. City Hall is wheelchair accessible. The closest accessible BART station is the Civic Center, located 2 ½ blocks from City Hall. Accessible MUNI lines serving City Hall are 47 Van Ness Avenue, 9 San Bruno and 71 Haight/Noriega, as well as the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call (415) 923-6142. Accessible curbside parking has been designated at points in the vicinity of City Hall adjacent to Grove Street and Van Ness Avenue.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week. For American Sign Language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the Commission office to make arrangements for the accommodation. Late requests will be honored, if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our ADA coordinator at (628) 652-1107 or (628) 652-1100 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

Know your Rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, or to obtain a free copy of the Sunshine Ordinance, contact Victor Young, Administrator of the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102-4689 at (415) 554-7724, by fax: (415) 554-7854, by e-mail: sotf@sfgov.org, or on the City's website at www.sfgov.org/bdsupvrs/sunshine.

San Francisco Lobbyist Ordinance

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Campaign and Governmental Conduct Code Section 2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Ave., Suite 220, San Francisco, CA 94102, telephone (415) 252-3100, fax (415) 252-3112 and web site <http://www.sfgov.org/ethics/>.



CIVIL SERVICE COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

CIVIL SERVICE COMMISSION REPORT TRANSMITTAL (FORM 22)

Refer to Civil Service Commission Procedure for Staff - Submission of Written Reports for Instructions on Completing and Processing this Form

1. Civil Service Commission Register Number: _____ - _____ - _____
2. For Civil Service Commission Meeting of: April 18, 2022
3. Check One:
Ratification Agenda _____
Consent Agenda _____
Regular Agenda X _____
Human Resources Director=s Report _____
4. Subject: Review of Modification Request for Personal Service Contract No. 38633-20/21 – OMIT POSTING
5. Recommendation: Adopt the report. Approve the request for proposed Personal Services Contract; Notify the Office of the Controller and the Office of Contract Administration.
6. Report prepared by: Shawndrea Hale Telephone number: 415.551.4540
7. Notifications: **(Attach a list of the person(s) to be notified in the format described in IV. Commission Report Format -A).**
8. Reviewed and approved for Civil Service Commission Agenda:

Human Resources Director: _____

Date: _____
9. Submit the original time-stamped copy of this form and person(s) to be notified (see Item 7 above) along with the required copies of the report to:

**Executive Officer
Civil Service Commission
25 Van Ness Avenue, Suite 720
San Francisco, CA 94102**

10. Receipt-stamp this form in the ACSC RECEIPT STAMP≡
box to the right using the time-stamp in the CSC Office.

Attachment

CSC-22 (11/97)

CSC RECEIPT STAMP

Notification List

Sakai, James jsakai@sewater.org

Hale, Shawndrea M. SHale@sewater.org

Cox, Kyndra KCox@sewater.org

Kwon, Daniel <DKwon@sewater.org>



MEMORANDUM

DATE: April 13, 2022

TO: Civil Service Commission

THROUGH: Sandra Eng

FROM: San Francisco Public Utilities Commission

SUBJECT: Review of Modification Request for Personal Service
Contract No. 38633-20/21 – OMIT POSTING

The San Francisco Public Utilities Commission (SFPUC) is requesting to modify PSC 38633-20/21 approved by the Civil Service Commission (CSC) on 4/5/2021. This emergency contract amendment is currently going through the certification process and we need the approved PSC to complete this process. The contract expired on February 8, 2022, so it is necessary to expedite the PSC Modification to get the amendment in place to continue the contract without further disruption. The contract was fully signed on February 7, 2022, but PUC Infrastructure, Budget and Finance required the PSC match the amendment to the contract. PUC is requesting the modification to the PSC late as we received conflicting information from our City Attorney (CAT) concerning the need for CSC approval of a modified PSC for emergency contracts. PUC mistakenly thought we could proceed, because it was an emergency. We are currently working with the CSC Executive Officer and our CAT office to come up with a path forward for PSC approval of emergency contracts, beyond pandemic approval. We sent the PSC modification to the Union on March 22, 2022, the 7-day Union notification expired on March 29, 2022, per the CSC Policy and Procedure dated November 5, 2014, only a 7-day notice is required for modifications. We received no response from the Unions prior to the union notice expiration.

London N. Breed
Mayor

Anson Moran
President

Newsha Ajami
Vice President

Sophie Maxwell
Commissioner

Tim Paulson
Commissioner

Dennis J. Herrera
General Manager



The contract provides construction management services for an emergency construction project to replace and repair approximately 50 miles of security and cattle fencing in the SFPUC's Alameda Watershed that was damaged or destroyed in the SCU Lightning Complex Fire in August 2020. The scope of work is to provide a Resident Engineer and two Construction Inspectors who are certified to operate all-terrain vehicles (ATVs).

The SFPUC Commission and the Board of Supervisors approved the additional funding for the projects due to updated construction and construction management estimates. This contract amendment is necessary to complete both the construction contract costs as well as the construction management contract costs and will allow completion of the emergency fencing project. Further delay would result in compromised security of the Alameda Watershed, and compromised cattle grazing operations in the watershed, which would increase the risk of wildfire.

We would appreciate your consideration to expedite our PSC modification, to complete our certification process of our amendment.

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: PUBLIC UTILITIES COMMISSION

Dept. Code: PUC

Type of Request: ☐ Initial ☒ Modification of an existing PSC (PSC # 38633 - 20/21)

Type of Approval: ☐ Expedited ☒ Regular ☐ Annual ☐ Continuing ☐ (Omit Posting)

Type of Service: Emergency Construction Management Services for the SCU Complex Fire Fence (PRO.0201(E))

Funding Source: Federal Emergency Management Agency (FEMA)

PSC Original Approved Amount: \$1,000,000

PSC Original Approved Duration: 04/01/21 - 09/30/22 (1 year 26 weeks)

PSC Mod#1 Amount: \$953,000

PSC Mod#1 Duration: 09/30/22-02/08/25 (2 years 18 weeks)

PSC Cumulative Amount Proposed: \$1,953,000

PSC Cumulative Duration Proposed: 3 years 44 weeks

1. Description of Work

A. Scope of Work/Services to be Contracted Out:

This PSC is to provide specialized, short-term staff to provide construction management services for an emergency construction project to replace and repair approximately 50 miles of security and cattle fencing in the SFPUC's Alameda Watershed that was damaged or destroyed in the SCU Lightning Complex Fire in August 2020. The scope of work is to provide a Resident Engineer and two Construction Inspectors who are certified to operate all-terrain vehicles (ATVs). Much of the fencing is located in remote areas with difficult terrain that are only accessible by ATV with no cellular phone service. The scope of work also includes providing a temporary field office for the project, rental of project vehicles including four-wheel drive pickups and ATVs, and rental of satellite phones for communications.

B. Explain why this service is necessary and the consequence of denial:

This PSC is necessary to allow for the completion of the emergency fencing project. Denial will result in delay of the project, which would result in compromised security of the Alameda Watershed, and compromised cattle grazing operations in the watershed, which would increase the risk of wildfire.

C. Has this service been provided in the past? If so, how? If the service was provided under a previous PSC, attach copy of the most recently approved PSC.

Services have been provided in the past through earlier PSC request. See 38633 - 20/21

D. Will the contract(s) be renewed?

No.

E. If this is a request for a new PSC in excess of five years, or if your request is to extend (modify) an existing PSC by another five years, please explain why:

2. Reason(s) for the Request

A. Display all that apply

☒ Immediately needed services to address unanticipated or transitional situations, or services needed to address emergency situations.

☒ Services that require resources that the City lacks (e.g., office space, facilities or equipment with an operator).

Explain the qualifying circumstances:

This PSC is needed to staff an emergency, unplanned project that resulted from the SCU Lightning Complex Fire. Due to the unplanned and emergency nature of this project, the SFPUC could not plan to staff this project internally, particularly with staff that are certified in ATV operation. In addition, this project requires rental of a temporary construction trailer, off-road vehicles, and satellite phones, which the City cannot procure quickly without the services of a consultant.

B. Reason for the request for modification:

This contract amendment is necessary because the original Emergency Declaration did not have sufficient funding to complete both the construction contract costs as well as the construction management contract costs. The initial construction management contract was executed with the funding that was available at that time. The additional time and funding are required based on updated estimates of how long the project will take to complete due to the challenging topography and based on the time it is taking for actual sections to be built, as compared to original estimates.

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise: The scope of work requires experience in construction management and construction inspection. In addition, the staff is required to have ATV Safety Certification to operate ATVs, as much of the project is located in difficult terrain accessible only by ATV.

B. Which, if any, civil service class(es) normally perform(s) this work? 5207, Assoc Engineer; 5241, Engineer; 6318, Construction Inspector;

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If so, explain: Yes, the contractor will provide a temporary field office, and will provide equipment needed such as four-wheel drive pickup trucks, ATVs, and satellite phones.

4. If applicable, what efforts has the department made to obtain these services through available resources within the City?

Not Applicable

5. Why Civil Service Employees Cannot Perform the Services to be Contracted Out

A. Explain why civil service classes are not applicable.

The SFPUC does not have staff available to perform these services, as they are committed to other projects. Due to the immediate and temporary nature of this work, the SFPUC cannot hire staff for this work. In addition, the SFPUC is not able to rent a temporary construction trailer and the necessary equipment to

perform the work such as off-road vehicles and satellite phones without the services of a consultant.

- B. If there is no civil service class that could perform the work, would it be practical and/or feasible to adopt a new civil service class to perform this work? Explain: Existing civil service classifications could perform this work with additional training to obtain ATV certification. However, due to the immediate and temporary nature of this work, hiring civil service positions to perform this work is not feasible.

6. **Additional Information**

- A. Will the contractor directly supervise City and County employee? If so, please include an explanation.
No.
- B. Will the contractor train City and County employees and/or is there a transfer of knowledge component that will be included in the contract? If so, please explain what that will entail; if not, explain why not.
Training will not be provided.
- C. Are there legal mandates requiring the use of contractual services?
No.
- D. Are there federal or state grant requirements regarding the use of contractual services? If so, please explain and include an excerpt or copy of any such applicable requirement.
No.
- E. Has a board or commission determined that contracting is the most effective way to provide this service? If so, please explain and include a copy of the board or commission action.
No.
- F. Will the proposed work be completed by a contractor that has a current PSC contract with your department? If so, please explain.
No.

7. Union Notification: On 03/22/22, the Department notified the following employee organizations of this PSC/RFP request:

Professional & Tech Engrs, Local 21; Prof & Tech Eng, Local 21; Architect & Engineers, Local 21;

☒ I CERTIFY ON BEHALF OF THE DEPARTMENT THAT THE INFORMATION CONTAINED IN AND ATTACHED TO THIS FORM IS COMPLETE AND ACCURATE:

Name: Shawndrea Hale Phone: (415) 551-4540 Email: shale@sfgwater.org

Address: 525 Golden Gate Avenue 8th Floor, San Francisco, CA 94102

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 38633 - 20/21

DHR Analysis/Recommendation:

Civil Service Commission Action:

From: dhr-psccordinator@sfgov.org on behalf of shale@sfwater.org
To: [Hale, Shawndrea M.](#); [Laxamana, Junko \(BOS\)](#); amakayan@ifpte21.org; ecassidy@ifpte21.com; WendyWong26@yahoo.com; wendywong26@yahoo.com; tmathews@ifpte21.org; kschumacher@ifpte21.org; kpage@ifpte21.org; eerbach@ifpte21.org; pkim@ifpte21.org; L21PSCReview@ifpte21.org; dhr-psccordinator@sfgov.org
Subject: Receipt of Modification Request to PSC # 38633 - 20/21 - MODIFICATIONS
Date: Tuesday, March 22, 2022 12:33:06 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

PSC RECEIPT of Modification notification sent to Unions and DHR

The PUBLIC UTILITIES COMMISSION -- PUC has submitted a modification request for a Personal Services Contract (PSC) for \$953,000 for services for the period September 30, 2022 – February 8, 2025. For all Modification requests, there is a 7-Day noticed to the union(s) prior to DHR Review.

If SEIU is one of the unions that represents the classes you identified in the initial PSC and the cumulative amount of the request is over \$100,000, there is a 60 day review period for SEIU

After logging into the system please select link below:

<http://apps.sfgov.org/dhrdrupal/node/18156>

Email sent to the following addresses: L21PSCReview@ifpte21.org
pkim@ifpte21.org
eerbach@ifpte21.org kpage@ifpte21.org kschumacher@ifpte21.org
tmathews@ifpte21.org wendywong26@yahoo.com WendyWong26@yahoo.com
ecassidy@ifpte21.com amakayan@ifpte21.org junko.laxamana@sfgov.org



San Francisco
Water Power Sewer

Services of the San Francisco Public Utilities Commission

OFFICE OF THE GENERAL MANAGER

525 Golden Gate Avenue, 13th Floor

San Francisco, CA 94102

T 415.554.3155


F 415.554.3161

TTY 415.554.3488

INTER-OFFICE MEMORANDUM

Date: July 27, 2021

To: Commissioner Sophie Maxwell
President, San Francisco Public Utilities Commission

From: Michael Carlin 
Acting General Manager

Subject: **Revised Declaration of Emergency – Replacement and Repair of Fences damaged in the SCU Lightning Complex Fire**

Beginning on August 16, 2020, numerous lightning strikes ignited the SCU Lightning Complex Fire (SCU Fire) that burned approximately 10,500 acres of SFPUC Alameda watershed property and damaged or destroyed approximately 50 miles of security and grazing operation fencing.

In a memorandum addressed to you dated October 19, 2020, Harlan L. Kelly declared an emergency due to the destruction of, and need to repair, fencing at the SFPUC Alameda watershed lands, with an amount not anticipated to exceed \$4.5 million. You provided your written concurrence and approval.

He declared the emergency pursuant to Chapter 6.60 of the Administrative Code of the City and County of San Francisco, which pertains to emergency contracting for public works.

Staff have now collected additional information about the actual costs of replacing and repairing the damaged fencing based on the bids and initial invoicing that SFPUC received for the emergency fencing (WD-2881.E 2020 SCU Lightning Complex Fire Impacted Fencing Replacement and Repair) contracts. Staff have determined that the estimated quantities and length of replacement and repair required are more substantial than initially estimated based on further site investigations, including field-confirmed measurement of damaged fencing that was documented after the first sections were built compared to the original estimate used to determine the initial quantities. Consequently, staff have updated the budget to reflect an increase of approximately 10 miles of fencing in addition to the original 50 miles estimated, for a total of 60 miles. These increased costs and quantities are due to topographical realities of these rugged environments, and costs associated with working in these remote locations. Oversight and inspection of the fence

London N. Breed
Mayor

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President

Anson Moran
Vice President

Tim Paulson
Commissioner

Ed Harrington
Commissioner

Newsha Ajami
Commissioner

Michael Carlin
Acting
General Manager

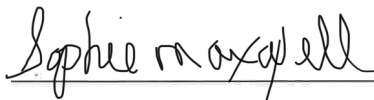
OUR MISSION: To provide our customers with high-quality, efficient and reliable water, power and sewer services in a manner that values environmental and community interests and sustains the resources entrusted to our care.



work is required and will utilize contracted construction management services. The initial oversight and inspection work in the rugged terrain and the large amount of fence replacement and repair necessary was used to estimate construction management services costs. With this additional information, staff believe that the anticipated cost of the work will be substantially more than the initial \$4.5 million estimate. Staff now estimate the cost of the work beyond the capabilities of City forces is not anticipated to exceed \$11 million.

I am therefore updating the October 19, 2020 declaration of an emergency to reflect this change - an increase in the anticipated not to exceed cost from \$4.5 million to \$11 million. I trust that this meets with your concurrence and approval.

CONCUR AND



APPROVE:

(Sophie Maxwell, President
San Francisco Public Utilities Commission

cc: A. Moran E. Harrington
T. Paulson N. Ajami

1 [Updated Emergency Declaration - Replacement and Repair of Fences - Increase the Total
2 Not to Exceed Cost to \$10,900,000]

3 **Resolution approving an updated emergency declaration of the San Francisco Public**
4 **Utilities Commission (SFPUC), pursuant to San Francisco Administrative Code, Section**
5 **6.60, to replace and repair fences on SFPUC watershed land in Alameda damaged by**
6 **the SCU Lightning Complex Fire, increasing the total not to exceed cost from**
7 **\$4,250,000 to \$10,900,000.**

8
9 WHEREAS, The San Francisco Public Utilities Commission's (SFPUC) watershed
10 lands located in Santa Clara and Alameda County are critical assets for providing continuous
11 delivery of high-quality water to the 2.7 million water customers in the Bay Area; any inability
12 to use these assets poses a threat to water quality and deliveries, a basic service affecting the
13 lives, property and welfare of the SFPUC water customers in San Francisco, San Mateo,
14 Santa Clara and Alameda Counties; and

15 WHEREAS, Beginning on August 16, 2020, numerous lightning strikes ignited the SCU
16 Lightning Complex Fire (SCU Fire) that ultimately burned 396,624 acres, including
17 approximately 10,500 acres of SFPUC Alameda watershed property; and

18 WHEREAS, The SCU Fire damaged or destroyed approximately 60 miles of SFPUC-
19 owned security and grazing operation fencing located on SFPUC Alameda watershed
20 property; and

21 WHEREAS, The damaged fencing needs to be repaired and/or replaced immediately
22 to re-establish the security barrier to protect SFPUC Alameda watershed lands and regional
23 water system infrastructure from trespass, vandalism, and contamination of drinking water
24 sources (e.g., the Calaveras and San Antonio Reservoirs); and
25

1 WHEREAS, The fencing also ensures that cattle from SFPUC grazing tenants remain
2 separated from public roadways, drinking water sources, and sensitive environmental
3 resources; and

4 WHEREAS, Any delay to replacing and repairing the approximately 60 miles of fences
5 damaged in the SCU Lightning Complex Fire poses a risk to the security and quality of water
6 supply for the 2.7 million SFPUC regional water system customers relying on the water
7 deliveries; and

8 WHEREAS, As we are living in a global pandemic, COVID-19, water quality is an
9 essential service that will impact public health and safety for our 2.7 million water customers;
10 and

11 WHEREAS, Administrative Code, Chapter 6, Article IV, Section 6.60, authorizes
12 department heads to declare an emergency and award a public work contract, exempt from
13 the competitive bidding process, in the event of an actual emergency, which is defined to
14 include, "...[t]he breakdown or imminent breakdown of any plant, equipment, structure, street
15 or public work necessitating immediate emergency repair or reconditioning to safeguard the
16 lives or property of the citizens, or the property of the City and County, or to maintain the
17 public health and welfare..."; and

18 WHEREAS, On October 19, 2020, the SFPUC General Manager declared an
19 emergency, approved by the President of the SFPUC, to replace and repair the fences
20 damaged in the SCU Fire in order to re-establish the security barrier to protect SFPUC
21 Alameda watershed lands; and

22 WHEREAS, Administrative Code, Section 6.60(d) requires the SFPUC General
23 Manager to seek the Board of Supervisors' approval in all cases where the estimated cost of
24 the emergency work exceeds \$250,000; and
25

1 WHEREAS, The SFPUC General Manager originally estimated that replacing and
2 repairing the fences damaged in the SCU Fire would not exceed \$4,500,000; and

3 WHEREAS, On February 2, 2021, by its Resolution No. 45-21, this Board of
4 Supervisors approved, the SFPUC General Manager's October 19, 2020, emergency
5 declaration to replace and repair the fences damaged in the SCU Lightning Complex Fire, and
6 amended the total not to exceed cost from \$4,500,000 to \$4,250,000; and

7 WHEREAS, The SFPUC reached out to eight vendors with the appropriate C-13
8 fencing contractor licenses to request quotes for the emergency work, and awarded two
9 contracts for the construction work to the two vendors with the lowest quotes, All Commercial
10 Fence, Inc. and Ranch Fence, Inc.; and

11 WHEREAS, On April 16, 2021, the SFPUC awarded Agreement No. WD-2881(E).A,
12 2020 SCU Lightning Complex Fire Impacted Fencing Replacement and Repair, to Ranch
13 Fence, Inc., in the amount of \$1,897,000, to replace and repair fences on SFPUC watershed
14 land damaged by the SCU Lightning Complex Fires; and

15 WHEREAS, On March 15, 2021, the SFPUC awarded Agreement No. WD-2881(E).B,
16 2020 SCU Lightning Complex Fire Impacted Fencing Replacement and Repair, to All
17 Commercial Fence, Inc., in the amount of \$1,897,000, to replace and repair fences on SFPUC
18 watershed land damaged by the SCU Lightning Complex Fires; and

19 WHEREAS, SFPUC staff have determined that the estimated quantities and length of
20 replacement and repair required are more substantial than initially estimated based on further
21 site investigations, including field-confirmed measurement of damaged fencing that was
22 documented after the first sections were built compared to the original estimate used to
23 determine the initial quantities; consequently, staff have updated the budget to reflect an
24 increase of approximately 10 miles of fencing in addition to the original 50 miles estimated, for
25 a total of 60 miles; these increased costs and quantities are due to the topographical realities

1 of these rugged environments, and costs associated with working in these remote locations;
2 and

3 WHEREAS, The SFPUC needs to hire a construction management firm to supervise
4 the vendors that are performing the fence repairs and replacements, as increased
5 construction work requires increased supervision, which the SFPUC General Manager
6 estimates will not exceed \$2,000,000; and

7 WHEREAS, On July 27, 2021, the SFPUC General Manager issued an updated
8 emergency declaration, approved by the President of the SFPUC, to reflect this increase in
9 cost due to the previously mentioned factors; and

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

12 RESOLVED, That the Board of Supervisors approves, under Administrative Code,
13 Section 6.60, the updated emergency declaration of the San Francisco Public Utilities
14 Commission, dated July 27, 2021, to replace and repair the fences damaged in the SCU
15 Lightning Complex Fire, including construction management services, for a new total cost not
16 to exceed \$10,900,000; and be it

17 FURTHER RESOLVED, That the Board of Supervisors ratifies actions taken to date by
18 the San Francisco Public Utilities Commission to address such emergency work and resolve
19 the emergency condition.
20
21
22
23
24
25

RECOMMENDED:

FUNDS AVAILABLE:

/s/

/s/ Michelle Allersma for
Ben Rosenfield

MICHAEL CARLIN

BEN ROSENFELD

Acting General Manager of the SFPUC

Controller



City and County of San Francisco

Tails

Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 210915

Date Passed: October 19, 2021

Resolution approving an updated emergency declaration of the San Francisco Public Utilities Commission (SFPUC), pursuant to San Francisco Administrative Code, Section 6.60, to replace and repair fences on SFPUC watershed land in Alameda damaged by the SCU Lightning Complex Fire, increasing the total not to exceed cost from \$4,250,000 to \$10,900,000.

October 06, 2021 Budget and Finance Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE


October 06, 2021 Budget and Finance Committee - RECOMMENDED AS AMENDED


October 19, 2021 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 210915

I hereby certify that the foregoing
Resolution was ADOPTED on 10/19/2021 by
the Board of Supervisors of the City and
County of San Francisco.


Angela Calvillo
Clerk of the Board


London N. Breed
Mayor

10/29/21

Date Approved