

## Chapter 12T Waiver Request

Chapter 12T of the San Francisco Administrative Code is related to City contractor/subcontractor consideration of criminal history and employment decisions. Administrative Code Section 12T.8 authorizes the Director of the Office of Contract Administration (OCA) to waive the requirements of Chapter 12T (Chapter) under circumstances described therein.

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*Directions: Use this as a word processing document to justify a Chapter 12T waiver request. The department requestor must complete the information below and attach a memorandum with appropriate supporting documentation to justify this request. The memorandum must provide specific and comprehensive information that explains why the requested transaction should receive a waiver under Administrative Code Section 12T.*

*The 12T waiver request must be approved before the department makes a commitment to the vendor, and before funds are encumbered. If the 12T waiver request is to change the term, amount, or scope of an existing contract; attach a copy of the original contract, and any prior 12T waiver determinations made by OCA. When processing applicable contracts and modifications for signature; attach the approved 12T waiver form to the contract documents.*

*This form is required for every transaction, contract, or contract modification that the department wishes to be treated as an exception to 12T. For additional information contact the OCA Purchaser assigned to your department.*

*The department head must sign and date this request prior to submitting to OCA.*

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Department: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

Contact: \_\_\_\_\_ Phone: \_\_\_\_\_

Vendor Name: \_\_\_\_\_ Vendor No. \_\_\_\_\_

Type of  
Contract: Commodity \_\_\_\_\_ Professional Service \_\_\_\_\_ Non-Professional Service \_\_\_\_\_  
Other (specify): \_\_\_\_\_

Amount: \$ \_\_\_\_\_ ADPICS Doc No: \_\_\_\_\_ Duration: \_\_\_\_\_

Summarize the product or service:

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All waiver requests must be submitted for approval by the Director of OCA and answer the following questions:

1. What are the reasons for requesting the waiver?
2. What steps were taken to find an entity that complies with this Chapter?
3. Why the waiver does not defeat the intent of this Chapter?
4. What efforts were made to get the contractor in compliance with this chapter?

Check the statement below addressing the above questions and attach the appropriate documentation.

- (a.1) There is only one prospective contractor willing to enter into a contract with the City and the prospective contractor is not currently disqualified from doing business with the City. Attach a copy of the approved OCA sole source form.
- (a.2) The contracting department, board, or commission certifies that pursuant to Administrative Code provisions, the contract is necessary to respond to an emergency which endangers the public health or safety and no entity which complies with the requirements of this Chapter and is capable of responding to the emergency is immediately available. Cite the Administrative code provision under which your department is declaring an emergency.
- (a.3) City Attorney certifies that the contract involves specialized litigation requirements such that it would be in the City's best interest to waive the requirements of this Chapter.
- (b) Prospective contractor is a public entity and the good, service, construction service or property contract is not available from another source, and that the proposed contract or property contract is necessary to serve a substantial public interest.
- (c) The requirements of this Chapter will violate or are inconsistent with the terms or conditions of a grant, subvention or agreement with a public agency, and that the Department Representative with delegated authority has made a good faith attempt to change the terms or conditions of any such grant, subvention or agreement to authorize application of this Chapter.
- (d.1) There are no qualified responsive bidders or prospective contractors who could be certified compliant with the requirements of this Chapter. Further, the contract or property contract is for goods, a service, or a project that is essential to the City or City residents.
- (d.2) The transaction entered into pursuant to bulk purchasing arrangements through Federal, State or regional entities will materially reduce the City's purchasing costs and would be in the best interests of the City.
- (d.3) The requirements of this Chapter would result in the City's entering into a contract with an entity that was set up, or is being used, for the purpose of evading the intent of

this Chapter.

Submitted by:

Department Head Signature: \_\_\_\_\_ Date: \_\_\_\_\_

OCA Review and Approval:

12T Waiver Approved: \_\_\_\_\_ 12T Waiver Denied: \_\_\_\_\_

Reason for Determination:

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Recommending OCA Staff: \_\_\_\_\_ Date: \_\_\_\_\_

Recommending OCA Supervising Staff: \_\_\_\_\_ Date: \_\_\_\_\_

Approved by OCA Director: \_\_\_\_\_ Date: \_\_\_\_\_