

**Determination of Nonapplicability, Exception, or Waiver
BAN ON CITY CONTRACTS INVOLVING STATES WITH
ANTI-LGBT LAWS AND/OR RESTRICTIVE ABORTION LAWS**

Background: The Board of Supervisors passed Ordinance No. 189-16 (effective February 11, 2017) and Amended Ordinance No. 200-19 (effective January 1, 2020), which place a ban on City contracts involving states with anti-LGBT laws and/or restrictive abortion laws. Administrative Code Sections 12X.5(a) and 12X.15(a) cite that the City shall not enter into any Contract with a Contractor that has its United States headquarters in a state on the Covered State List or where any or all of the work on the Contract will be performed in a state on the Covered State List.

In accordance with Administrative Code Section 12X.5(b) and 12X.15(b), if a department wishes to enter into a contract otherwise prohibited by Chapter 12X, a department may make a determination of nonapplicability, exception, or waiver.

Directions: If a Contracting Department wants to make a determination under Section 12X.5(b) or 12X.15(b), the Contracting Department must complete the information below and attach a written memo with any supporting documentation as applicable. The Department Head must *sign this request*. In accordance with 12X.5(c) or 12X.15(c), each Contracting Department shall maintain a record documenting the basis for such decision and submit a report to the City Administrator summarizing the Contract and the basis for inapplicability, exception or waiver. Such reports shall be submitted annually within 30 days of the end of the fiscal year.

Department: _____ Date Submitted: _____
Contact: _____ Phone: _____
Supplier Name: _____ Supplier # _____
Amount: \$ _____ Term: _____ Doc # _____
Describe the product or service: _____

Check the statement that best applies below and attach a written memo/justification and appropriate documentation.

- Needed services are available only from one source. (Attach approved sole source waiver request).
- Contract is necessary to respond to an emergency which endangers public health or safety and no compliant company is immediately available to perform required services.
- There are no compliant/qualified responsive bidders and the Contract is for a service, project, or property that is essential to the City or the public.
- Public interest warrants the granting of a waiver because application would have an adverse impact on services or a substantial adverse financial impact on the City.
- Services to be purchased are available under a bulk purchasing arrangement with a federal, state, or local government entity or a group purchasing organization, which will substantially reduce the City's cost.
- Violates or inconsistent with the terms or conditions of a grant, subvention, or agreement with a public agency, provided that the contracting officer has made a good faith attempt to change the terms or conditions.

Department:

As the Department Head, I hereby approve this waiver.

Department Head Signature: _____ Print Name: _____

Date: _____