




OFFICE OF THE CITY ADMINISTRATOR



Edwin M. Lee, Mayor
Naomi M. Kelly, City Administrator

MEMORANDUM

TO: Department Heads

FROM: Naomi M. Kelly, City Administrator 

SUBJECT: Ban on City Contracts and Travel Involving States with Anti-LGBT Laws

DATE: February 10, 2017

On October 14, 2016, the Board of Supervisors passed an Ordinance file No. 160425, which places a ban on city-funded travel to and City contracts involving States with anti-LGBT laws. This Ordinance under Administrative Code Section 12X.5(a) will be enacted February 11, 2017. Under the Ordinance, a State list is to be published and maintained by the Office of the City Administrator. After review, the following States will be placed on the list and posted on the website of the Office of Contract Administration.

- Kansas
- Mississippi
- North Carolina
- Tennessee

The State list will be reviewed on a regular basis. If or when a state is removed or added, the Office of the City Administrator will make that information public and update all necessary documentation.

The Office of Contract Administration will review all new bids applying for contracts to ensure they comply with this law. Under the Ordinance, there are exceptions for companies on the State list to apply for bids with the City and County of San Francisco. If a company falls on the State list and bids for a contract, it must submit a waiver as part of their application. Below are the exceptions listed within the ordinance which allows States on the list to enter into new contracts with the City:

- Needed services are available only from one source.
- 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.

The Ordinance also enacts a ban on travel to the States listed above. There is an additional set of exceptions which refer to travel. If there are questions related to travel, please reach out to the Office of the Controller.

Should you have any questions on these policies or the legislation, please do not hesitate to contact me at (415) 554-4148 or city.administrator@sfgov.org. Routine requests about contracting should be directed to Jaci Fong at (415) 554-6743 or oca@sfgov.org.