



NOTICE OF PROPOSED RULEMAKING

Rules and Regulations Pertaining to the San Francisco Administrative Code, Chapter 21G

Pursuant to the Section 21G.9 of San Francisco Administrative Code, Chapter 21G, the Office of Contract Administration (“OCA”) issues the following proposed Rules & Regulations.

These proposed Rules & Regulations interpreting San Francisco Administrative Code Chapter 21G were posted on December 8, 2021 and are available on the City Administrator’s Office website for public review and comment: <https://sfgsa.org/public-notices>. These proposed Rules are also available at the OCA office (address below) during regular office hours.

Any person may present written or oral statements or arguments relevant to the proposed Rules.

Written comments may be submitted by electronic or U.S. mail to:

E-mail: lynn.khaw@sfgov.org

U.S. Mail:

Office of Contract Administration
c/o Lynn Khaw
City and County of San Francisco
City Hall, Room 430
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4685

Written comments will be part of the public record. **To guarantee consideration, all written comments must be received at OCA by 5:00 p.m. on Monday, December 20, 2021.** OCA encourages submission of written comments on specific topics prior to the hearing.

Oral public comment may be provided at the virtual public hearing. OCA welcomes persons who make oral comments at a hearing to also submit a written copy of their testimony before or at the hearing.

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The scope of both oral and written comments on this subject is intended to be broad. The public is encouraged to address not only the specific draft rules as formulated below, but the general subject matter that each rule addresses. The public is further encouraged to suggest alternative rules concerning these subjects. There is no guarantee that the final rules adopted by OCA pertaining to these subjects will track the draft rules posted by OCA. The purpose of having these hearings and receiving oral and written comments is to fully inform OCA so that the final rules adopted will be reasonable and well founded.

Hearing Details:

DATE: Monday, December 20, 2021
TIME: 9:00 AM
PLACE: Zoom
<https://us02web.zoom.us/j/89414952166>
+1 669 900 6833
Meeting ID: 894 1495 2166

Inquiries concerning the proposed Rules or the public comment process may be directed to:

Lynn Khaw, Principal Administrative Analyst
Office of Contract Administration
City Hall, Room 430
San Francisco, CA 94102-4685
(415) 554-6296
Lynn.Khaw@sfgov.org

For more information about the Rules and Regulations pertaining to the San Francisco Administrative Code, Chapter 21G, see <https://sfgsa.org/public-notices> or call 415-554-6743.

Para asistencia en español, llame al (415) 554-6296 • 中文幫助，請電 (415) 554-6296 • Para sa Tagalog/Filipino, tawagan ang (415) 554-6296

For questions about the meeting please call (415) 554-6296.

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AUDIO RECORDING

The hearing will be audio recorded in digital form. The audio recording will be posted on OCA's website at <https://sfgov.org/oca>

LANGUAGE ACCESS

Per the Language Access Ordinance (Chapter 91 of the San Francisco Administrative Code), Chinese, Spanish and or Filipino (Tagalog) interpreters will be available upon requests. Assistance in additional languages may be honored whenever possible. To request assistance with these services please contact Lynn Khaw at (415) 554-6296 or lynn.khaw@sfgov.org at least 48 hours in advance of the hearing. Late requests will be honored if possible.

語言服務

根據語言服務條例(三藩市行政法典第 91 章), 中文、西班牙語和/或菲律賓語(泰加洛語)傳譯人員在收到要求後將會提供傳譯服務。其他語言協助在可能的情況下也將可提供。上述的要求, 請於會議前最少 48 小時致電(415) 554-6296 或電郵至 lynn.khaw@sfgov.org 向委員會秘書 Lynn Khaw 提出。逾期提出的請求, 若可能的話, 亦會被考慮接納。

ACCESO A IDIOMAS

De acuerdo con la Ordenanza de Acceso a Idiomas "Language Access Ordinance" (Capítulo 91 del Código Administrativo de San Francisco "Chapter 91 of the San Francisco Administrative Code") intérpretes de chino, español y/o filipino (tagalo) estarán disponibles de ser requeridos. La asistencia en idiomas adicionales se tomará en cuenta siempre que sea posible. Para solicitar asistencia con estos servicios favor comunicarse con Lynn Khaw al (415) 554-6296, o lynn.khaw@sfgov.org por lo menos 48 horas antes de la reunión. Las solicitudes tardías serán consideradas de ser posible.

PAG-ACCESS SA WIKA

Ayon sa Language Access Ordinance (Chapter 91 ng San Francisco Administrative Code), maaaring mag-request ng mga tagapagsalin sa wikang Tsino, Espanyol, at/o Filipino (Tagalog). Maari din magkaroon ng tulong sa ibang wika. Sa mga ganitong uri ng kahilingan, mangyaring tumawag sa Lynn Khaw sa (415) 554-6296, o lynn.khaw@sfgov.org sa hindi bababa sa 48 oras bago mag miting. Kung maari, ang mga late na hiling ay posibleng pagbibigyan.

DISABILITY ACCESS

Live transcriptions will be available during the meeting in English. The following services are available on request 48 hours prior to the meeting. For American Sign Language interpreters and/or alternative formats of the agenda and minutes, please contact Lynn Khaw at (415) 554-6296 to make arrangements for the accommodation. Late requests will be honored, if possible.

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 [SF Campaign & Governmental Conduct Code 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 Avenue, Suite 220, San Francisco, CA 94102, (415) 252-3100, FAX (415) 252-3112, website: sfgov.org/ethics.

CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF CONTRACT ADMINISTRATION

Sailaja Kurella, Acting City Purchaser and Director

RULES AND REGULATIONS
PERTAINING TO
THE SAN FRANCISCO
ADMINISTRATIVE CODE, CHAPTER 21G

December 2021



Office of Contract Administration/Purchasing
City Hall, Room 430
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4685
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Rules and Regulations Pertaining to the
San Francisco Administrative Code, Chapter 21G
Grants

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Grants

The Purchaser, also known as the Director of the Office of Contract Administration (“OCA”), promulgates rules and regulations pursuant to Chapter 21G of the San Francisco Administrative Code. Each Granting Agency shall comply with the requirements of Chapter 21G in the awarding of Grants.

SCOPE

Chapter 21G governs the award of Grants. Chapter 21G does not apply to contracts for public works or improvements under Chapter 6 of the Administrative Code, the purchase of Commodities or Services under Chapter 21 of the Administrative Code, or contracts for the purchase, sale, or lease of any interest in real property under Chapter 23 of the Administrative Code). Although Chapter 21G sets forth detailed procedures for procurement, there is a section in Chapter 21G that requires further guidelines by the Purchaser. This document sets forth the rules and regulations for the following section in Chapter 21G:

- Section 21G.8: Sole Source Grants

Rules and Regulations Pertaining to the
San Francisco Administrative Code, Chapter 21G
Grants

REGULATION 21G.8 SOLE SOURCE GRANTS

Administrative Code Section 21G.8 provides that a Granting Agency may award a Grant without conducting an open and competitive process under Sections 21G.4, 21G.5, and 21G.6, in accordance with the Purchaser's rules and regulations.

Solicitation Waiver Required

Per Administrative Code Section 21G.9, sole source Grants shall be permitted when:

- A competitive process is infeasible or impracticable
- A Public Purpose may reasonably be accomplished by one particular Grantee

To award sole source Grants under these two circumstances, departments shall obtain a waiver of the competitive solicitation requirements specified in Administrative Code Sections 21G.4, 21G.5, and 21G.6.

Solicitation Waiver Not Required

Departments need not obtain a solicitation waiver prior to award of grants to any of the four City-owned community cultural centers, in accordance with Administrative Code Section 21G.8(c).

Additionally, departments need not obtain solicitation waivers for grants awarded under Sections 21G.3(a)(1), 21G.3(a)(2), and 21G.3(a)(3), as competitive solicitation is not required for these types of grants.

Waiver Approval

Waiver of competitive solicitation requirements shall be approved by the Grants Officer or their designee, or for Granting Agencies under the jurisdiction of a commission or board, by the commission or board concerned.

A Granting Agency with no board or commission seeking a sole source waiver approval, shall seek the approval from a committee comprised of representatives of the City Attorney's Office, the Controller's Office, Human Resources Department and the Office of Contract Administration.

Sufficient Justification and Documentation

Departments seeking waivers of the competitive solicitation requirements under Section 21G.8 must complete the Grant Solicitation Waiver Form ("Solicitation Waiver") and provide sufficient supporting documentation to justify the sole source grant agreement. The Solicitation Waiver must provide specific and comprehensive information that explains why the waiver of competitive solicitation requirements should be approved.

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Departments generally may not claim a solicitation is infeasible or impracticable solely if the department has failed to provide sufficient time to conduct a grant solicitation as required under Administrative Code Chapter 21G. However, urgency of the Public Purpose may be taken into consideration in determining whether a competitive process would be infeasible or impracticable.

In justifying a waiver from the competitive solicitation requirements, the department must provide the following information:

- A brief description of the Public Purpose that is to be fulfilled, the amount to be designated for the sole source grant, the purpose of the Grant, and an itemized budget for the Grant amount.
- If applicable, an explanation why a competitive process is infeasible or impracticable.
- If public exigency or emergency for an award of a sole source grant is being used as a justification, a description of the public exigency or emergency, need for the sole source Grant and period of performance, and impact on the Public Purpose if the sole source Grant is not approved.
- An explanation why is this the only entity that can fulfill this Public Purpose, and what the entity offers that is essential to fulfilling the Public Purpose.
- The steps taken to verify that this is the only entity that can fulfill this Public Purpose, including whether the department has contacted other entities to evaluate their ability to fulfill the Public Purpose, and if so, a description of the entities and an explanation why they cannot meet the department's needs.
- For a recurring Grant to the same recipient:
 - How long this entity has fulfilled this Public Purpose for the department.
 - Verification the department conducted a formal or informal competitive process within the last five years demonstrating the lack of other potential Grantees, pursuant to Administrative Code Section 21G.8(b)

The Grants Officer, or their designee, must be a signatory to the request. Their signature certifies that they have reviewed the specific Solicitation Waiver Request and agree with the Granting Agency's justification that a waiver is in the best interest of the City.