



**THIRTEENTH SUPPLEMENT TO MAYORAL PROCLAMATION DECLARING
THE EXISTENCE OF A LOCAL EMERGENCY DATED FEBRUARY 25, 2020**

WHEREAS, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14) and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County or its citizens; and

WHEREAS, On February 25, 2020, the Mayor issued a Proclamation (the “Proclamation”) declaring a local emergency to exist in connection with the imminent spread within the City of a novel (new) coronavirus (“COVID-19”); and

WHEREAS, On March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency; and

WHEREAS, On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State due to the threat posed by COVID-19; and

WHEREAS, On March 6, 2020, the Local Health Officer declared a local health emergency under Section 101080 of the California Health and Safety Code, and the Board of Supervisors concurred in that declaration on March 10, 2020; and

WHEREAS, On March 6, 2020, the City issued public health guidance to encourage social distancing to disrupt the spread of COVID-19 and protect community health; and

WHEREAS, On March 16, 2020, the City’s Health Officer issued a stay safe at home order, Health Officer Order No. C19-07 (the “Stay Safe At Home Order”), requiring most people to remain in their homes subject to certain exceptions including obtaining essential goods such as food and necessary supplies, and requiring the closure of non-essential businesses; the Health Officer has amended the Stay Safe At Home Order and extended it through May 31, 2020; and

WHEREAS, There are currently 1,954 confirmed cases of COVID-19 within the City and there have been 35 COVID-19-related deaths in the City; there are more than 67,000 confirmed cases in California, and there have been more than 2,700 COVID-19-related deaths in California; and



WHEREAS, This order and the previous orders issued during this emergency have all been issued because of the propensity of the virus to spread person to person and also because the virus physically is causing property loss or damage due to its proclivity to attach to surfaces for prolonged periods of time; and

WHEREAS, The local emergency has required the City to take very quick action to secure services and supplies necessary to mount an adequate response, and due to the expediency required to address the emergency it has not been feasible to comply with the City's normal procurement rules and obtain the normal approvals for emergency-related contracts. It is in the public interest to waive procurement rules for emergency response-related procurements and to create more flexible rules to ensure proper monitoring and controls; and

WHEREAS, The local emergency and the Stay Safe At Home Order has stretched the City's workforce, requiring many City workers to serve assignments as disaster service workers and required City offices to close. These disruptions have inhibited the City's ability to engage in normal procurement, and it is therefore in the public interest to allow existing contracts to be extended for a period of time and waive necessary local law to ensure continuity of services while the City returns to normal operations; and

WHEREAS, Loss of income as a result of the global COVID-19 pandemic may inhibit San Francisco residents and businesses from fulfilling their financial obligations including public utility payments such as water and sewer charges; and

WHEREAS, Ensuring that all people in San Francisco continue to have access to running water during this public health crisis to enable people to regularly wash their hands and maintain access to clean drinking water will help to prevent the spread of COVID-19 and prevent or alleviate illness or death due to the virus; and

WHEREAS, Ensuring that all customers in San Francisco that receive power services from the San Francisco Public Utilities Commission continue to have access to electricity so they are able to receive important COVID-19 information, keep critical medical equipment functioning, and utilize power as needed will help to prevent the spread of COVID-19 and prevent or alleviate illness or death due to the virus; and



NOW, THEREFORE,

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim that there continues to exist an emergency within the City and County threatening the lives, property or welfare of the City and County and its citizens;

In addition to the measures outlined in the Proclamation and in the Supplements to the Proclamation dated March 11, March 13, March 17, March 18, March 23, March 27, March 31, and April 1, April 10, April 14, April 23, and April 30, 2020, it is further ordered that:

(1) All agreements related to the City's response to the emergency entered after the date of this Order, including contracts for procurement of commodities or services, contracts for public works, and grant agreements ("COVID-19-Related Contracts"), shall comply with all procedural and substantive requirements in City laws and policies, except that departments may enter COVID-19-Related Contracts with a term of one year or less to the extent they comply with the following exceptions:

(a) Solicitation and Procurement: Departments shall not be required to follow competitive solicitation and procurement procedures in the Administrative Code, provided that either (i) the department attempts to obtain at least three quotes prior to entering the COVID-19-Related Contract; or (ii) the Department Head or the Department Head's designee determines in writing that it is not feasible to obtain multiple quotes prior to executing the COVID-19-Related Contract, the Department Head or designee provides that written determination to the Controller or the Controller's designee, and the Controller or designee concurs in the written determination.

(b) Commission Approvals: Departments shall not be required to obtain approval for a COVID-19-Related Contract from the commission overseeing the department, provided that (i) the Department Head or the Department Head's designee determines in writing that the commission is unable to meet in a timely manner to enable approval of the COVID-19-Related Contract within the time needed to address the exigency or emergency; (ii) the Department Head or designee informs the chairperson and secretary of the commission in advance that the department is entering into the COVID-19-Related Contract; and (iii) the Department Head or designee submits a copy of the COVID-19-Related Contract to the commission by no later than the 15th day of the month following the month in which the COVID-19-Related Contract was finally executed.



(c) Contract Terms: COVID-19-Related Contracts shall not be required to include contract terms that the Department Head or the Department Head's designee, in consultation with the City Attorney and the Controller, determines may impede the City's ability to obtain reimbursement from the Federal Emergency Management Agency or the California Governor's Office of Emergency Services. All other contract terms required by the Administrative and Environment Codes must be included in COVID-19-Related Contracts unless (i) the Department Head or designee determines in writing that strict compliance with these laws is not feasible due to exigencies or emergencies; and (ii) the Department Head or designee provides the written determination to the Controller or the Controller's designee, and the Controller or designee concurs in the written determination.

(d) Personal Protective and Medical Equipment: Departments may enter COVID-19-Related Contracts for the procurement or delivery of personal protective equipment or medical equipment needed to address the COVID-19 emergency and shall not be required to comply with competitive solicitation and procurement procedures in the Administrative Code, obtain commission approval, or include substantive terms otherwise required by the Administrative or Environment Codes, as long as the department either (i) complies with the City Administrator's March 10, 2020 memorandum ("New Purchasing Restrictions and Procedures for COVID-19-Related Goods and Services") and any modifications to that memorandum authorized under Item 7 of the First Supplement to the Proclamation, or (ii) receives written permission from the City Administrator or the Controller if compliance with the March 10 memorandum is infeasible.

(e) Civil Service Commission Approvals: Departments may enter COVID-19-Related Contracts that require approval from the Civil Service Commission as authorized in Section 3 of this Order.

If a department enters a COVID-19-Related Contract after the date of this Order under the exceptions in paragraph (a), (b) or (d), the Department Head or the Department Head's designee shall submit a copy of the COVID-19-Related Contract to the Mayor and the Clerk of the Board of Supervisors by no later than the 15th day of the month following the month in which the COVID-19-Related Contract was finally executed.



By no later than May 31, 2020, departments shall submit to the Mayor and the Clerk of the Board of Supervisors a copy of any COVID-19-Related Contract entered between January 1, 2020 and the date of this Order if the COVID-19-Related Contract did not comply with competitive solicitation and procurement procedures in the Administrative Code, did not receive required advance approval from a commission, did not include terms otherwise required by the Administrative and Environment Codes, or did not receive required approval from the Civil Service Commission.

Nothing in this Order waives or modifies the requirements and restrictions of the Campaign and Governmental Conduct Code, the approval requirements of Charter Section 9.118 with regard to any COVID-19-Related Contract, the requirement for approval as to form by the City Attorney, or requirements for certification of available funds by the Controller.

The Controller, in consultation with the Office of Contract Administration, may issue guidance and regulations to implement this Order.

This Order shall remain in place during the local emergency unless terminated earlier by the Mayor.

(2) The Controller is authorized to adopt a policy allowing all City departments to modify agreements in place on the date of this Order, including but not limited to services contracts, grant agreements, construction contracts, and leases, and including agreements that are not related to the response to the emergency (“Existing Contract Modifications”) without complying with competitive solicitation and procurement procedures in the Administrative Code. The Controller’s policy shall not allow any Existing Contract Modifications that (a) extend an agreement by more than six months, (b) extend the term of an agreement past June 30, 2021, or (c) increase the cost to the City, except that modifications to a general services, professional services, commodity, lease, or grant agreement may increase the not-to-exceed amount to the extent permitted by the policy and as necessary given the extension duration noted above. Existing Contract Modifications authorized by the policy shall not be subject to approval by the Civil Service Commission. Nothing in this Order waives or modifies the approval requirements of Charter Section 9.118. This Order shall remain in place during the local emergency unless terminated earlier by the Mayor.



(3) If a Department Head or designee determines in writing that a Personal Services Contract (“PSC”) that requires approval from the Civil Service Commission (“CSC”) must be finally approved by a specific date to address an exigency or emergency, and the CSC Acting Executive Officer determines that the CSC is unable to meet to approve the PSC by that date, then the Acting Executive Officer may in her discretion approve the PSC after consultation with the CSC Chairperson and/or Vice Chairperson. The Department Head or designee must provide the Acting Executive Officer a written explanation of the exigency or emergency that requires immediate action on the PSC. If the Acting Executive Officer approves the PSC, then the Department Head or designee shall submit the fully-executed PSC to the CSC by no later than the 15th day of the month following the month in which the PSC was finally executed. This Order shall remain in place during the local emergency unless terminated earlier by the Mayor.

(4) Section 2 of the Second Supplement to the Emergency Proclamation, dated March 13, 2020, authorizing the San Francisco Public Utilities Commission (“SFPUC”) to suspend for 60 days, (a) the discontinuation or shut off of water service for residents and businesses in the City for non-payment of water and sewer bills, (b) the imposition of late payment penalties or fees for delinquent water and/or sewer bills, (c) the discontinuation or shut off of power service for SFPUC Hetch Hetchy Power Customers in San Francisco for non-payment of power bills, (d) the imposition of late payment penalties or fees for delinquent Hetch Hetchy Power Customer accounts, and (e) the return of delinquent CleanPowerSF Customers to PG&E generation service for failure to pay CleanPowerSF charges, is extended for an additional 60 days through July 11, 2020.

DATED: May 11, 2020

A handwritten signature in blue ink that reads "London N. Breed".

London N. Breed
Mayor of San Francisco