

COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE

RESOLUTION NO. 02-2019

AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE CITY AND COUNTY OF SAN FRANCISCO, ACTING THROUGH ITS DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED \$5,581,677 INCLUDING PROJECT CONSTRUCTION, AND FOR A TERM OF FOUR YEARS, FOR DESIGN, BIDDING AND CONSTRUCTION MANAGEMENT SERVICES, FOR THE BUILDING 101 IMPROVEMENTS PROJECT; HUNTERS POINT SHIPYARD PROJECT AREA

- WHEREAS, The Successor Agency to the Redevelopment Agency of the City and County of San Francisco (commonly known as the Office of Community Investment and Infrastructure) (the “Successor Agency” or “OCII”) is completing the enforceable obligations of the Redevelopment Agency of the City and County of San Francisco (the “Former Agency”) in the Hunters Point Shipyard Redevelopment Project Area (“Project Area” or “Shipyard”) under the authority of the California Community Redevelopment Law, Cal. Health & Safety Code §§ 33000 et seq., as amended by the Redevelopment Dissolution Law (Cal. Health & Safety Code §§ 34170 et seq.), and under San Francisco Ordinance No. 215-12 (Oct. 4, 2012) (establishing the Successor Agency Commission and delegating to it state authority under the Redevelopment Dissolution Law) (collectively “Dissolution Law”); and,
- WHEREAS, The Former Agency received grant funding from the U.S. Department of Commerce’s Economic Development Administration (“EDA”) for design and construction activities in the Project Area through Grant Agreement No. 07-49-05947 (“EDA Grant #4”) in 2006 and Grant Agreement No. 07-49-06113 (“EDA Grant #5”) in 2007 (collectively, the “Grants”), with a primary objective of economic development and job creation; and,
- WHEREAS, Pursuant to letters issued by the California Department of Finance on December 14, 2012 and March 11, 2016, the Grants are enforceable obligations that OCII is responsible for implementing and completing, and upon dissolution of the Former Agency, pursuant to the Dissolution Law, OCII assumed all obligations of the Grants; and,
- WHEREAS, The Grants, and three previous grants from the EDA, have been used for the following within the Project Area: (a) for demolition and deconstruction of buildings preceding development at Shipyard Phase 1; (b) for improvements to Building 101, a public facility; (c) for design and construction of the Shipyard Site Office Building; (d) for design studies of Building 813; and (e) for the installation of public art works under the Shipyard Cultural and Historical Recognition Program; and,

- WHEREAS, Remaining funds in the Grants now total \$5,581,677, including \$5,023,478 in federal funds and \$558,199 in local match funds required pursuant to the terms of the Grants; and,
- WHEREAS, Building 101, a public facility currently owned by OCII, has been used as artists' studios since the mid-1970's; the studios and associated creative enterprises play a critical role in the Shipyard redevelopment and in catalyzing jobs and economic growth in the arts and creative industries; and over decades of planning efforts for the Shipyard, local, state and federal stakeholders have prioritized a continuing role for the Shipyard artists; and,
- WHEREAS, OCII has proposed, and the EDA has approved, use of the remaining Grants funds to construct improvements to Building 101, including the conversion of a lecture hall to gallery space; conversion of primary first-floor restrooms to wheelchair-accessible restrooms; other accessibility improvements to common areas; and improvements to emergency exits (the "Project"), with scope modifications to be made as needed based on variations in bid amounts received; and,
- WHEREAS, To implement the Project, OCII must engage a contractor to produce schematic designs and construction documents; to obtain construction permits; to advertise and bid out a contract for construction; and to perform construction management; and,
- WHEREAS, San Francisco Public Works ("Public Works") has extensive experience in coordinating the design, bidding, and construction of public facilities, including experience in obtaining required permits and approvals from City agencies; and consequently Public Works is a suitable partner for OCII to engage and collaborate with to ensure timely delivery of the Project with a high standard of quality; and,
- WHEREAS, OCII and San Francisco Public Works ("Public Works") on March 6, 2017 entered into a Memorandum of Understanding for a planning phase of work on the Building 101 improvements, including site investigations, review of existing documents, and determination of code requirements in collaboration with the San Francisco Fire Department and the San Francisco Department of Building Inspection; which work has now been completed; and,
- WHEREAS, OCII now proposes to enter into a further Memorandum of Understanding with Public Works for the implementation phase of work, to consist of Project design, securing of a construction permit, advertisement and bidding of a construction contract, and management of Project construction through final closeout; for a term of four years; with the full cost of construction and Public Works services not to exceed \$5,581,677, with \$4,330,478 allocated to construction, \$1,152,999 allocated to fees for Public Works services, and \$98,200 allocated to Project Delivery Contingency, with line item costs to be revised as needed with the authorization of OCII's Executive Director; and,
- WHEREAS, The Project is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15301(a) and 15301(d) because

it consists of repair and maintenance of an existing structure and will not directly cause changes in the physical environment; now therefore, be it

RESOLVED, That the Commission approves, and authorizes the Executive Director to enter into, a Memorandum of Understanding (the “MOU”) between OCII and the City and County of San Francisco, acting through Public Works, that is substantially in the form of the document approved by legal counsel for OCII and lodged with the Secretary of the Commission, authorizing expenditure of up to \$5,581,677 for the Project, and to enter into any and all ancillary documents or to take any additional actions necessary to consummate the transaction contemplated by this Resolution.

I hereby certify that the foregoing resolution was adopted by the Commission at its meeting of February 19, 2018.

Commission Secretary