

**PUBLIC WORKS COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

RESOLUTION NO. 2023-0121

WHEREAS, The work performed under the Various Locations Pavement Renovation No. 66 & Sewer Replacement contract will contribute to the Public Works Street Resurfacing Program's overall goal of maintaining or improving the overall average condition of San Francisco streets and roadways maintained by Public Works; and

WHEREAS, The contract scope includes pavement resurfacing, curb ramp upgrades, traffic control improvements, sewer replacement, and other associated infrastructure work on specified streets in the City and County of San Francisco; and

WHEREAS, On July 28, 2010, the Planning Department prepared and published for public review the Draft Mitigated Negative Declaration for the San Francisco Better Streets Plan (Case No. 2007.1238E or "BSP"), which included adoption of a set of citywide streetscape and pedestrian goals, objectives, policies, and design guidelines, as well as future strategies to improve the San Francisco pedestrian realm including sidewalks, crosswalks, and portions of the roadway and the Draft Mitigated Negative Declaration for the BSP was available for public comment; and

WHEREAS, On September 17, 2010, the Planning Department adopted the Final Mitigated Negative Declaration ("FMND") pursuant to the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) ("CEQA") and determined the BSP would not have a significant effect on the environment based on the criteria of and Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), and 15070 (Decision to Prepare a Negative Declaration) of the CEQA Guidelines (14 California Code of Regulations Sections 1500 et seq.) and the reasons documented in the FMND; and

WHEREAS, On October 28, 2010, the Planning Commission, in Resolution No. 18211 ("Planning Commission Resolution"), adopted findings under CEQA, the CEQA Guidelines, and Chapter 31 of the Administrative Code ("CEQA Findings"), and adopted a Mitigation Monitoring and Reporting Program ("MMRP") associated with the Better Streets Plan; and

WHEREAS, On May 18, 2022, the Planning Department issued a determination ("CEQA Determination") concluding that the pavement resurfacing, curb ramp upgrades, traffic control improvements, and other associated infrastructure work performed under this contract is within the scope of the FMND and would not require the preparation of a subsequent negative declaration under CEQA Guidelines Sections 15162 and 15168, provided that the applicable mitigation measures contained in the MMRP are implemented; and

WHEREAS, On December 19, 2022, the Planning Department issued a determination ("CEQA Determination") concluding that the pavement resurfacing, curb ramp upgrades, traffic control improvements, and other associated infrastructure work performed under this contract is

within the scope of the FMND and would not require the preparation of a subsequent negative declaration under CEQA Guidelines Sections 15162 and 15168, provided that the applicable mitigation measures contained in the MMRP are implemented; and

WHEREAS, On July 10, 2023, The Planning Department, in Case No. 2023-00578ENV, issued a determination (“Statutory Exemption”) concluding that the sewer replacement work to be performed under this contract is statutorily exempt from CEQA under Public Resources Code Section 21080.21 and CEQA Guidelines Section 15282(k), as described in the determination contained in the Public Works Commission files for this contract.

WHEREAS, On August 14, 2023, San Francisco Public Works advertised for bids for the Various Locations Pavement Renovation No. 66 & Sewer Replacement contract; and

WHEREAS, The contract amount is \$7,304,499.40; and

WHEREAS, The contract duration is 523 consecutive calendar days; and

WHEREAS, The Contract Monitoring Division (“CMD”) established a Local Business Enterprise (“LBE”) subcontracting requirement of 25% for this contract and the contractor committed to LBE participation of 25.74% in its bid submittal; and

WHEREAS, On September 13, 2023, Public Works received six bids; and

WHEREAS, Public Works staff and CMD staff reviewed the bids and application of bid preferences and determined that Esquivel Grading & Paving, Inc. is the responsive and responsible bidder that submitted the lowest responsive bid; and

WHEREAS, The Public Works Commission has reviewed the FMND, the Planning Commission Resolution, the CEQA Findings, the Statutory Exemption, and the CEQA Determinations, and the preceding documents are on file with the Public Works Commission Affairs Manager, and are incorporated herein by reference; now, therefore, be it

RESOLVED, That this Commission finds that the work performed under this contract would not cause new significant impacts or a substantial increase in the severity of impacts identified and analyzed in the FMND, no changes have occurred in the BSP since the adoption of the FMND that would cause new significant impacts or a substantial increase in the severity of impacts identified and analyzed in the FMND, and no new information has emerged that would materially change the analysis or conclusions set forth in the FMND; and that the actions approved herein would not necessitate implementation of additional or considerably different mitigation measures than those identified in the FMND; and be it

FURTHER RESOLVED, That in compliance with Chapter 31 of the San Francisco Administrative Code, this Commission adopts as its own the CEQA Findings, the MMRP, and the Planning Department’s determination in the CEQA Determinations that there is no substantial evidence that the pavement resurfacing, curb ramp upgrades, traffic control improvements, and other associated infrastructure work performed under this contract could have a significant effect on the environment; and be it

FURTHER RESOLVED, That this Commission hereby awards the Various Locations Pavement Renovation No. 66 & Sewer Replacement Contract (Sourcing ID No. 0000005633) to Esquivel Grading & Paving, Inc. in the amount of \$7,304,499.40 with \$730,449.94 for contingency, and with 523 consecutive calendar days with 52 consecutive calendar days of contingency to perform pavement resurfacing, curb ramp upgrades, sewer replacement, traffic control improvements, and other associated infrastructure work on specified streets in the City and County of San Francisco.

I hereby certify that the foregoing resolution was adopted by the Public Works Commission at its meeting of December 1, 2023.



Commission Affairs Manager
Public Works Commission