

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 13-182

WHEREAS, The California Subletting and Subcontracting Fair Practices Act, requires that the agency that awarded a construction contract hold a hearing to determine whether based on the facts alleged and requirements of the Subcontracting Act the Agency may approve a contractor's request to substitute a listed subcontractor, if that listed subcontractor objects to the contractor's request to substitute the subcontractor; and,

WHEREAS, Holding of the hearing by the Director of Transportation (or his designee) will expedite resolution of contractor's request to substitute a listed subcontractor, and thereby avoid delay to the project and associated costs to the Agency; and,

WHEREAS, If the subcontractor is a certified Small Business Enterprise, Disadvantaged Business Enterprise or Local Business Enterprise, the requested substitution will be subject to the appropriate governing regulation (e.g., San Francisco Administrative Code Chapter 14B, 49 CFR Part 26) and must be approved by the SFMTA's Contract Compliance Office; now, therefore, be it

RESOLVED, That the SFMTA Board of Directors delegates authority to the Director of Transportation to hold such hearings as are required under the California Subletting and Subcontracting Fair Practices Act to consider, approve or deny a contractor's request to replace a listed subcontractor on a construction contract; and be it

FURTHER RESOLVED, That the Director of Transportation may further delegate such authority to the Director of that SFMTA Division that is responsible for administration of such contract or to such other hearing officer as the Director of Transportation may designate.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of July 16, 2013.

R. Browner

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency