

CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF CONTRACT ADMINISTRATION

Sailaja Kurella, Director and City Purchaser

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
Tel. (415) 554-6743, Fax (415) 554-6717

Grants

Table of Contents

SCOPE.....	2
REGULATION 21G.8 SOLE SOURCE GRANTS.....	3

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

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, therefore, sets forth the rules and regulations for such section: **21G.8: Sole Source Grants.**

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 Section 21G.3 where competitive solicitation is exempted, specifically those awarded per:

- Section 21G.3(a)(1) – Grants made to a governmental entity for programs, activities, or services that can be practically performed only by that particular entity;
- Section 21G.3(a)(2) – Grants made to a specific entity as required to comply with applicable law or contract, or as a result of the requirements of the funding source; and
- Section 21G.3(a)(3) – Grants made for improvement to property by a property owner.

Waiver Approval

For Granting Agencies under the jurisdiction of a commission or board, waiver of competitive solicitation requirements shall be recommended by the Grants Officer or their designee to the commission or board, who may approve or deny said waiver following the criteria of these Rules and Regulations.

A Granting Agency with no board or commission shall seek a sole source waiver 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.

Grants

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.

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 if available, an itemized budget for the Grant amount.
- If applicable, an explanation why a competitive process is infeasible or impracticable.
- If applicable, 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.
- A description of why this is 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).

Grants

Finally, the Granting 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.