1 [Settlement of Unlitigated Claim - Shimmick Construction Company, Inc. and F.D. Thomas, Inc. - City to Receive $750,000]

2

3 **Resolution approving settlement of the unlitigated claim filed by the City and County of**

4 **San Francisco against Shimmick Construction Company, Inc. ("Shimmick") and F.D.**

5 **Thomas, Inc. ("F.D. Thomas") for $750,000; the claim involves compensation for**

6 **construction defects allegedly caused by Shimmick Construction Company and F.D.**

7 **Thomas, Inc.**

8

9 WHEREAS, Shimmick Construction Company, Inc. ("Shimmick") and F.D. Thomas,

10 Inc. ("F.D. Thomas") have agreed to the settlement of an unlitigated claim by the City and

11 County of San Francisco ("City"), calling for F.D. Thomas's payment of $750,000 to the City;

12 and

13 WHEREAS, This unlitigated claim arises from the failure of interior liners in digesters at

14 the Oceanside Water Pollution Control Plant; and

15 WHEREAS, F.D. Thomas has agreed to pay the City $750,000 in exchange for the

16 City's full and final release of its claim against Shimmick and F.D. Thomas for costs resulting

17 from the lining failures; and

18 WHEREAS, Shimmick, F.D. Thomas, and the City agree that each should bear its own

19 costs and fees; and

20 WHEREAS, The San Francisco Public Utilities Commission recommends the

21 settlement; now, therefore, be it

22 ///

23 ///

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1   RESOLVED, That pursuant to Section 10.24 of the Administrative Code, the Board

2 hereby approves settlement of the unlitigated claim by F.D. Thomas's payment to the City of

3 $750,000.

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5 APPROVED: RECOMMENDED:

6 DENNIS J. HERRERA   SAN FRANCISCO PUBLIC UTILITIES

7 City Attorney   COMMISSION

8

9

10 /s/_____   /s/_____

   ELAINE O'NEIL   MICHAEL CARLIN

11 Deputy City Attorney   General Manager of the San Francisco

   Construction and Public Contracting   Public Utilities Commission

12 Team Leader

13   APPROVED:

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16   /s/_____

                                   DONNA HOOD

17   Commission Secretary

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