

File No. 230335

Committee Item No. 7

Board Item No. 7

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Government Audit and Oversight

Date: April 20, 2023

Board of Supervisors Meeting:

Date: May 2, 2023

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Prepared by: Stephanie Cabrera

Date: April 13, 2023

Prepared by: Stephanie Cabrera

Date: April 28, 2023

Prepared by: _____

Date: _____

[Settlement of Lawsuit - M. Hernandez Construction, Inc. - \$137,000]

Ordinance authorizing settlement of the lawsuit filed by M. Hernandez Construction, Inc. against the City and County of San Francisco by the payment of \$137,000; the lawsuit was filed on March 16, 2022, in the Superior Court of California, County of San Francisco, Case No. CGC-22-598639; entitled M. Hernandez Construction, Inc. dba Hernandez Engineering vs. City and County of San Francisco; the lawsuit involves alleged breach of contract.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby authorizes the City Attorney to settle the action entitled M. Hernandez Construction, Inc. dba Hernandez Engineering vs. City and County of San Francisco, Superior Court of California, County of San Francisco, Case No. CGC-22-598639 by the payment of \$137,000 in exchange for M. Hernandez Construction dismissing the lawsuit in its entirety with prejudice and releasing the City from certain claims. The lawsuit involves the alleged breach of Contract No. WW-622/2644J, the Haight-Ashbury/Tenderloin/Diamond Heights Districts sewer replacement and pavement renovation project, and a claim for prompt payment penalties.

Section 2. The above-named action was filed in Superior Court of California, County of San Francisco on March 16, 2022, and the following parties were named in the lawsuit: plaintiff M. Hernandez Construction, Inc.; and defendant City and County of San Francisco.

APPROVED AS TO FORM AND
RECOMMENDED:

DAVID CHIU
City Attorney

RECOMMENDED:

San Francisco Public Utilities Commissions

/s/
ELAINE M. O'NEIL
Construction and Public Contracting Team
Leader

/s/
DENNIS J. HERRERA
General Manager

FUNDS AVAILABLE:

/s/
DONNA HOOD
Commission Secretary

/s/ Michelle Allersma for Ben Rosenfield
BEN ROSENFELD
Controller

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