

1 [Settlement of Lawsuit]

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3 **Ordinance authorizing settlement of the lawsuit, entitled City And County Of San**
4 **Francisco v. Competent Builders, Inc., Alameda County Superior Court Case No: RG-**
5 **05-229-274 (formerly San Francisco Superior Court Case No. CGC-04-437148).**

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

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8 Section 1. The City Attorney is hereby authorized to settle the action entitled City And
9 County Of San Francisco v. Competent Builders, Inc., Alameda County Superior Court Case
10 No: RG-05-229-274, on the following terms:

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- 12 • Competent Builders, Inc. ("Competent") and its subcontractors will deposit a total of
13 \$510,000 into a Settlement Fund Account, administered by Wells Fargo Bank,
14 which settlement funds shall be used for the purpose of performing corrective and
15 repair work at the facility known as the Portsmouth Square Recreation Center; The
16 corrective and repair work shall be performed pursuant to design and construction
17 and/or design-build contracts negotiated between San Francisco and the
18 contractors ("negotiated contracts"). The competitive bidding provisions of Chapter
19 Six of the San Francisco Administrative Code shall not apply to such negotiated
20 contracts; Negotiated contracts are appropriate because other than potential
21 change order work, the repair contractors will be paid for their work directly by the
22 neutral escrow, upon written direction by and subject to the approval of San
23 Francisco, rather than from City funds;
- 24 • All parties will execute a mutual release the rights to which San Francisco will
25 retain;

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- All parties will execute and file dismissals of all claims with prejudice, and all parties will bear their own fees and costs;

RECOMMENDED
SAN FRANCISCO RECREATION & PARK
DEPARTMENT

YOMI AGUNBIADE
General Manager
San Francisco Recreation & Park Department

APPROVED

SECRETARY

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
GEORGE K. WONG
Deputy City Attorney