

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) in the**
6 **amount of \$510,000 paid to San Francisco by Competent Builders, Inc., and its**
7 **subcontractors.**

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

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

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

- 1 • All parties will execute a mutual release the rights to which San Francisco will
- 2 retain;
- 3 • All parties will execute and file dismissals of all claims with prejudice, and all parties
- 4 will bear their own fees and costs;

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6 RECOMMENDED

7 SAN FRANCISCO RECREATION & PARK
8 DEPARTMENT

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10 _____
11 YOMI AGUNBIADE
12 General Manager
13 San Francisco Recreation & Park Department

14 APPROVED

15 _____
16 SECRETARY

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

19 By: _____
20 GEORGE K. WONG
21 Deputy City Attorney