1 [Settlement of Unlitigated Claim - Synergy Project Management, Inc. - City to Pay $198,979.24]

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3 **Resolution approving settlement of the unlitigated claim by Synergy Project**

4 **Management, Inc., against the City and County of San Francisco for $198,979.24; claim**

5 **was filed on August 22, 2014.**

6

7 WHEREAS, Synergy Project Management, Inc. ("Synergy") filed a claim on August 22,

8 2014, against the City and County of San Francisco ("City"); and

9 WHEREAS, The Department of Public Works has recommended settlement of the

10 claim for Synergy for the payment of $198,979.24 from the City to Synergy on DPW Contract

11 No. 1931J, and granting Synergy a 53 calendar day time extension; and

12 WHEREAS, In consideration for the settlement, the City and Synergy have further

13 agreed as follows:

14 • The City reserves all rights to pursue claims against Synergy for, and Synergy

15 shall retain responsibility for, latent defects;

16 • All extant express and implied warranties under the contract shall remain in full

17 force and effect;

18 • Synergy will defend, indemnify, and hold the City harmless from all

19 subcontractor claims;

20 • The City and Synergy will execute a mutual release; and

21 • The City and Synergy will each bear its own fees and costs; now, therefore, be it

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1   RESOLVED, That pursuant to Administrative Code, Section 10.22, the Board of

2   Supervisors hereby authorizes the City Attorney to settle and compromise the claim by

3   payment of $198,979.24, and the grant of a 53 calendar day noncompensable time extension.

4

5   APPROVED: RECOMMENDED:

6
     DENNIS J. HERRERA   CITY AND COUNTY OF SAN FRANCISCO
7   City Attorney

8   _____   _____

9   ELAINE O'NEIL   MOHAMMED NURU
     Deputy City Attorney   Director of its Department of Public Works
10   Construction and Public Contracting
11   Team Leader

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13   FUNDS AVAILABLE:

14   _____

15   BEN ROSENFIELD
     Controller
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