

1 [Settlement of Lawsuit - Esquivel Grading & Paving, Inc. and Con-Quest Contractors, Inc. -
2 \$250,000]

3 **Ordinance authorizing settlement of the lawsuit filed by Esquivel Grading & Paving,**
4 **Inc. against the City and County of San Francisco by the payment of \$250,000; the**
5 **action against the City was filed on April 12, 2022, in the Superior Court of California,**
6 **County of San Francisco, Case No. CGC-20-587321; entitled Con-Quest Contractors,**
7 **Inc. v. Esquivel Grading & Paving, Inc., et al.; the lawsuit involves alleged breach of**
8 **contract; material terms of the settlement are that the City will pay Con-Quest**
9 **Contractors, Inc. \$250,000 and Esquivel will pay Con-Quest \$150,000.**

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

12 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby
13 authorizes the City Attorney to settle the action entitled Con-Quest Contractors, Inc. v.
14 Esquivel Grading & Paving, Inc., et al., Superior Court of California, County of San Francisco,
15 Case No. CGC-20-587321 by the payment of \$250,000 in exchange for Esquivel Grading &
16 Paving, Inc. and Con-Quest Contractors, Inc. dismissing the lawsuit in its entirety with
17 prejudice and releasing the City from certain claims. The lawsuit involves the alleged breach
18 of San Francisco Public Works Contract No. 2267J[R], Columbus Avenue Pavement
19 Renovation and Water Main Replacement Project. Under the terms of the settlement, (1) the
20 City will pay Con-Quest \$250,000; (2) Esquivel will pay Con-Quest \$150,000; (3) Con-Quest
21 and Esquivel will file a joint dismissal with prejudice of the lawsuit within 15 days of payment
22 of the settlement sum; and (4) the parties agree to certain specified releases.

23 Section 2. The above-named action was filed in Superior Court of California, County of
24 San Francisco, on April 12, 2022, and the following parties were named in the lawsuit:
25 plaintiff Con-Quest Contractors, Inc.; defendant and cross-complainant Esquivel Grading &

1 Paving, Inc.; defendant Fidelity & Deposit Company; and cross-defendant City and County of
2 San Francisco.

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APPROVED AS TO FORM AND
RECOMMENDED:

DAVID CHIU
City Attorney

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

FUNDS AVAILABLE:

/s/ Michelle Allersma for Ben Rosenfield
BEN ROSENFELD
Controller

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RECOMMENDED:

San Francisco Public Utilities Commissions

/s/
DENNIS J. HERRERA
General Manager

/s/
DONNA HOOD
Commission Secretary



City and County of San Francisco

Tails Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 230494

Date Passed: June 27, 2023

Ordinance authorizing settlement of the lawsuit filed by Esquivel Grading & Paving, Inc. against the City and County of San Francisco by the payment of \$250,000; the action against the City was filed on April 12, 2022, in the Superior Court of California, County of San Francisco, Case No. CGC-20-587321; entitled Con-Quest Contractors, Inc. v. Esquivel Grading & Paving, Inc., et al.; the lawsuit involves alleged breach of contract; material terms of the settlement are that the City will pay Con-Quest Contractors, Inc. \$250,000 and Esquivel will pay Con-Quest \$150,000.

June 01, 2023 Government Audit and Oversight Committee - RECOMMENDED

June 13, 2023 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

June 27, 2023 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 230494

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 6/27/2023 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

Date Approved