

File No. 190323

Committee Item No. 10

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight

Date: April 18, 2019

Board of Supervisors Meeting:

Date: _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Committee Report Request Memo - April 11, 2019</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Prepared by: John Carroll

Date: April 11, 2019

Prepared by: John Carroll

Date: _____

1 [Settlement of Lawsuit - Webcor Construction, L.P. and Keenan Hopkins Suder & Stowell
2 Contractors, Inc. - \$9,750,000]

3 **Ordinance authorizing settlement of the lawsuit filed by Webcor Construction, L.P.**
4 **(“Webcor”) against the City and County of San Francisco for \$9,750,000; the action**
5 **against the City and County of San Francisco was filed on August 15, 2017, in the**
6 **Superior Court of California, County of San Francisco, Case No. CGC-16-555423,**
7 **entitled Keenan Hopkins Suder & Stowell Contractors, Inc. vs. Webcor Construction LP**
8 **et al.; the lawsuit involves an alleged failure to provide complete and accurate designs**
9 **under the terms of a construction contract related to the San Francisco General**
10 **Hospital Rebuild Program; material terms of the settlement are that the City will pay**
11 **Keenan Hopkins Suder & Stowell Contractors, Inc. (“Keenan”) \$9,750,000 and Webcor**
12 **will pay Keenan \$5,500,000.**

13
14 Be it ordained by the People of the City and County of San Francisco:

15 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby
16 authorizes the City Attorney to settle the action entitled Keenan Hopkins Suder & Stowell
17 Contractors, Inc. vs. Webcor Construction LP et al., Superior Court of California, County of
18 San Francisco, Case No. CGC-16-555423 by the payment of \$9,750,000. The lawsuit
19 involves an alleged failure to provide complete and accurate designs under the terms of a
20 construction contract related to the San Francisco General Hospital Rebuild Program. Under
21 the terms of the agreement, (1) the City will pay Keenan Hopkins Suder & Stowell
22 Contractors, Inc. (“Keenan”) \$9,750,000; (2) Webcor Construction, L.P. (“Webcor”) will pay
23 Keenan \$5,500,000; (3) within five days of payment of the settlement sum, Keenan and
24 Webcor will file with the Court a request for the dismissal of the entire legal action with
25 prejudice; and (4) the parties agree to certain specified releases.

1 Section 2. The above-named action was filed in the Superior Court of California,
2 County of San Francisco on August 15, 2017, and the following parties were named in the
3 lawsuit: plaintiff and cross-defendant Keenan Hopkins Suder & Stowell Contractors, Inc.;
4 defendant and cross-complainant Webcor Construction, L.P.; defendants Fidelity and Deposit
5 Company of Maryland, Zurich America Insurance Company, Safeco Insurance Company of
6 America, and Liberty Mutual Insurance Company; and cross-defendant City and County of
7 San Francisco.

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APPROVED AS TO FORM AND
RECOMMENDED:

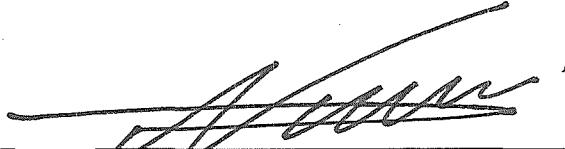
DENNIS J. HERRERA
City Attorney

 for

ELAINE M. O'NEIL
Deputy City Attorney

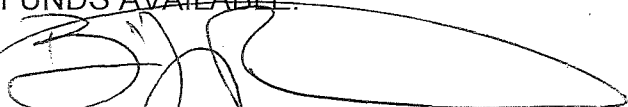
RECOMMENDED:

SAN FRANCISCO PUBLIC WORKS



MOHAMMED NURU
Director

FUNDS AVAILABLE:



BEN ROSENFELD
Controller

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Member, Board of Supervisors
District 4



City and County of San Francisco


COB Dep
Leg Clerk

GORDON MAR

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DATE: April 10, 2019

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Mar 
Chairperson

RE: Government Audit and Oversight Committee
COMMITTEE REPORT

2019 APR 11 AM 9:55
BOARD OF SUPERVISORS
SAN FRANCISCO

Pursuant to Board Rule 4.20, as Chair of the Government Audit and Oversight Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on Tuesday, April 23, 2019, as a Committee Report:

File No. 190323 [Settlement of Lawsuit - Webcor Construction, L.P. and Keenan Hopkins Suder & Stowell Contractors, Inc. - \$9,750,000]

Ordinance authorizing settlement of the lawsuit filed by Webcor Construction, L.P. ("Webcor") against the City and County of San Francisco for \$9,750,000; the action against the City and County of San Francisco was filed on August 15, 2017, in the Superior Court of California, County of San Francisco, Case No. CGC-16-555423, entitled Keenan Hopkins Suder & Stowell Contractors, Inc. vs. Webcor Construction LP et al.; the lawsuit involves an alleged failure to provide complete and accurate designs under the terms of a construction contract related to the San Francisco General Hospital Rebuild Program; material terms of the settlement are that the City will pay Keenan Hopkins Suder & Stowell Contractors, Inc. ("Keenan") \$9,750,000 and Webcor will pay Keenan \$5,500,000.

This matter will be heard in the Government Audit and Oversight Committee on April 18, 2019, at 10:00 a.m.

