

File No. 151021 Committee Item No. 3
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight Date November 12, 2015

Board of Supervisors Meeting Date _____
Cmte Board

- | | | |
|-------------------------------------|--------------------------|--|
| <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 checked="" 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 (Use back side if additional space is needed)

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Completed by: Erica Major Date November 6, 2015
Completed by: _____ Date _____

1 [Settlement of Lawsuit - Cal State Constructors, Inc. - \$500,000]

2
3 **Ordinance authorizing settlement of the lawsuit filed by Cal State Constructors, Inc.**
4 **("Cal State") against the City and County of San Francisco for \$500,000; the lawsuit**
5 **was filed on November 25, 2014, in the Superior Court of California, County of San**
6 **Francisco, Case No. CGC-14-542910; entitled Cal State Constructors, Inc. v. City and**
7 **County of San Francisco; other material terms of said settlement are that the City**
8 **reserves all rights to pursue claims against Cal State for, and Cal State shall retain**
9 **responsibility for, latent defects; all extant express and implied warranties under the**
10 **contract shall remain in full force and effect; Cal State will defend, indemnify, and hold**
11 **the City harmless from all subcontractor claims; the City and Cal State will execute a**
12 **mutual release; and the City and Cal State will each bear its own fees and costs.**

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 Cal State Constructors, Inc. v. City
17 and County of San Francisco, Superior Court of California, County of San Francisco, Case
18 No. CGC-14-542910 by the payment of \$500,000; the City's reservation of all rights to pursue
19 claims against Cal State Constructors, Inc. ("Cal State") for, and Cal State's retention of
20 responsibility for, latent defects; the continuation in full force and effect of all extant express
21 and implied warranties under the contract; Cal State's agreement to defend, indemnify, and
22 hold the City harmless from all subcontractor claims; the execution of a mutual release
23 between the City and Cal State; and the City and Cal State each bearing its own fees and
24 costs.

25 ///

1 Section 2. The above-named action was filed in Superior Court of California, County of
2 San Francisco on November 25, 2014, and the following parties were named in the lawsuit:
3 plaintiff Cal State Constructors, Inc., and defendant City and County of San Francisco.
4

5 APPROVED AS TO FORM AND
6 RECOMMENDED:

7 DENNIS J. HERRERA
8 City Attorney

9 

10 ELAINE O'NEIL
11 Deputy City Attorney
12 Construction and Public Contracting Team
13 Leader

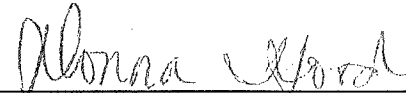
RECOMMENDED:

SAN FRANCISCO PUBLIC UTILITIES
COMMISSION

14 

15 HARLAN KELLY, JR.
16 General Manager

APPROVED:

17 

18 DONNA HOOD
19 Secretary, Public Utilities Commission

20 FUNDS AVAILABLE:

21 
22 BEN ROSENFELD
23 Controller

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25

LEGISLATION RECEIVED CHECKLIST

Date 10/8/15

File Number (if applicable) _____

- Legislation for Introduction (**NEW**) ▶▶▶ Legislative Clerk
- Legislation Pending in Committee (**AMENDED**) ▶▶▶ Committee Clerk
- Legislation for Board Agenda (**AMENDED**) ▶▶▶ Deputy Clerk

Supervisor, Mayor, and Departmental Submittals

Grant Ordinance

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** Department Head, Mayor or the Mayor's designee, plus the Controller
- Supporting documents:** 1 full set, and separate **pdf** copies of each in email
 - Cover letter (original)
 - Grant budget/application
 - Grant information form, including signed disability checklist
 - Letter of Intent or grant award letter from funding agency
 - Contract, Leases/Agreements (if applicable)
 - Ethics Form 126 (*if applicable*) in **Word** format
 - Other support documents as *identified in the cover letter and legislation*
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

Ordinance

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** City Attorney (For Settlement of Lawsuits - City Attorney, Department Head, Controller, Commission Secretary)
- Supporting documents:** 1 full set, and separate **pdf** copies of each in email
 - Cover letter (original)
 - Settlement Report/Agreement (for settlements)
 - Other support documents as *identified in the cover letter and legislation*
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

Grant Resolution

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** Department Head, Mayor or the Mayor's designee, plus the Controller
- Supporting documents:** 1 full set, and separate **pdf** copies of each in email
 - Cover letter (original)
 - Grant budget/application
 - Grant information form, including signed disability checklist
 - Letter of Intent or grant award letter from funding agency
 - Contract, Leases/Agreements (if applicable)
 - Ethics Form 126 (*if applicable*) in **Word** format
 - Other support documents as *identified in the cover letter and legislation*
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

Resolution

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** None (Note: Required for Settlement of Claims - City Attorney, Department Head, Controller, Commission Secretary)
- Supporting documents:** 1 full set, and separate **pdf** copies of each in email
 - Cover letter (original)
 - Settlement Report/Agreement (for settlements)
 - Other support documents as *identified in the cover letter and legislation*
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

Toy Perez 554-3869 City Attorney
 Name and Telephone Number Department

RECEIVED
 BOARD OF SUPERVISORS
 SAN FRANCISCO
 OCT 8 8 PM '15