

File No. 211066

Committee Item No. 13

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

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Date: Nov. 18, 2021

Board of Supervisors Meeting:

Date: \_\_\_\_\_

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Prepared by: John Carroll

Date: Nov. 12, 2021

Prepared by: John Carroll

Date: \_\_\_\_\_

Prepared by: John Carroll

Date: \_\_\_\_\_

1 [Settlement of Unlitigated Claim - Shimmick Construction Company, Inc. and F.D. Thomas,  
2 Inc. - City to Receive \$750,000]

2

3 **Resolution approving settlement of the unlitigated claim filed by the City and County of**  
4 **San Francisco against Shimmick Construction Company, Inc. (“Shimmick”) and F.D.**  
5 **Thomas, Inc. (“F.D. Thomas”) for \$750,000; the claim involves compensation for**  
6 **construction defects allegedly caused by Shimmick Construction Company and F.D.**  
7 **Thomas, Inc.**

8

9 WHEREAS, Shimmick Construction Company, Inc. (“Shimmick”) and F.D. Thomas,  
10 Inc. (“F.D. Thomas”) have agreed to the settlement of an unlitigated claim by the City and  
11 County of San Francisco (“City”), calling for F.D. Thomas’s payment of \$750,000 to the City;  
12 and

13 WHEREAS, This unlitigated claim arises from the failure of interior liners in digesters at  
14 the Oceanside Water Pollution Control Plant; and

15 WHEREAS, F.D. Thomas has agreed to pay the City \$750,000 in exchange for the  
16 City’s full and final release of its claim against Shimmick and F.D. Thomas for costs resulting  
17 from the lining failures; and

18 WHEREAS, Shimmick, F.D. Thomas, and the City agree that each should bear its own  
19 costs and fees; and

20 WHEREAS, The San Francisco Public Utilities Commission recommends the  
21 settlement; now, therefore, be it

22 ///

23 ///

24 ///

25

1 RESOLVED, That pursuant to Section 10.24 of the Administrative Code, the Board  
2 hereby approves settlement of the unlitigated claim by F.D. Thomas's payment to the City of  
3 \$750,000.

4  
5 APPROVED:

6 DENNIS J. HERRERA  
7 City Attorney

8  
9 /s/  
10 ELAINE O'NEIL  
11 Deputy City Attorney  
12 Construction and Public Contracting  
13 Team Leader

RECOMMENDED:

SAN FRANCISCO PUBLIC UTILITIES  
COMMISSION

9 /s/  
10 MICHAEL CARLIN  
11 General Manager of the San Francisco  
12 Public Utilities Commission

13 APPROVED:

14  
15 /s/  
16 DONNA HOOD  
17 Commission Secretary

18  
19  
20  
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