

1 [Tolling Agreement - Fong & Chan Architects - Zuckerberg San Francisco General Hospital  
2 Rebuild Dispute]

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3 **Resolution approving a Tolling Agreement to toll the statutes of limitations for Fong &**  
4 **Chan Architects to bring potential claims against the City and County of San Francisco**  
5 **arising out of the rebuild of the new Zuckerberg San Francisco General Hospital**  
6 **in 2016.**

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8 WHEREAS, The City and County of San Francisco (the “City”) completed construction  
9 of the new Zuckerberg San Francisco General Hospital in 2016, for which Fong & Chan  
10 Architects (“FCA”) provided the City professional design services (“ZSFG Rebuild”); and

11 WHEREAS, The City is a party to litigation involving Keenan, Hopkins, Suder and  
12 Stowell Contractors, Inc. and Webcor Construction L.P. regarding the ZSFG Rebuild (the  
13 “Action”), which is described in paragraph one of the Tolling Agreement between the City and  
14 FCA, on file with the Clerk of the Board of Supervisors in File No. 180659 (“Tolling  
15 Agreement”); and

16 WHEREAS, The City and FCA have identified potential claims between them arising  
17 from the ZSFG Rebuild and the Action; and

18 WHEREAS, The City and FCA have agreed to cooperate in defending against  
19 Webcor’s claims against the City at issue in the Action; and

20 WHEREAS, To avoid the need for potentially unnecessary or harmful litigation, the City  
21 and FCA have agreed that the limitations period for any potential litigation related to the ZSFG  
22 Rebuild shall be tolled pursuant to the terms set forth in the Tolling Agreement, on file with the  
23 Clerk of the Board of Supervisors in File No. 180659; now, therefore, be

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1           RESOLVED, That the Board of Supervisors authorizes the City to agree that the  
2 statute of limitations for FCA to file an action against the City with respect to any claims  
3 arising out of the ZSFG Rebuild shall be tolled as of the February 1, 2018.

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