

File No. 220231

Committee Item No. 4

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight

Date: April 21, 2022

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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Prepared by: John Carroll

Date: April 14, 2022

Prepared by: John Carroll

Date: _____

Prepared by: John Carroll

Date: _____

1 [Settlement of Lawsuit - Fong & Chan Architects, Inc. - \$6,600,000]

2
3 **Ordinance authorizing settlement of the lawsuit filed by the City and County of San**
4 **Francisco (“City”) against Fong & Chan Architects, Inc. for a net payment to San**
5 **Francisco of \$6,600,000; the lawsuit was filed on April 11, 2019, in the Superior Court of**
6 **the State of California, County of San Francisco, Case No. CGC-19-575186; entitled City**
7 **and County of San Francisco v. Fong & Chan Architects, Inc.; the lawsuit involves**
8 **allegations of professional negligence in the design of the San Francisco General**
9 **Hospital Rebuild Project and breach of contract; other material terms of the settlement**
10 **are the City shall receive payment of \$7,350,000 and shall pay Fong & Chan Architects,**
11 **Inc. \$750,000 on the cross-complaint for unpaid architectural fees.**

12
13 Be it ordained by the People of the City and County of San Francisco:

14 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby
15 authorizes the City Attorney to settle the action entitled City and County of San Francisco v.
16 Fong & Chan Architects, Inc., San Francisco Superior Court, Case No. CGC-19-575186 by
17 the payment of \$7,350,000 to the City and County of San Francisco (“City”) and the City’s
18 payment of \$750,000 to Fong & Chan Architects, Inc. The lawsuit involves allegations of
19 professional negligence in the design of the San Francisco General Hospital Rebuild Project
20 and breach of contract.

21 Section 2. The above-named action was filed in San Francisco Superior Court on April
22 11, 2019, and the following parties were named in the lawsuit: City and County of San
23 Francisco; Fong & Chan Architects, Inc.

1 APPROVED AS TO FORM AND
2 RECOMMENDED:

3 DAVID CHIU
4 City Attorney

RECOMMENDED:

SAN FRANCISCO PUBLIC WORKS

5 /s/
6 ELAINE M. O'NEIL
7 Construction & Public Contracting Team
8 Leader

/s/
CARLA SHORT
Interim Director

9 FUNDS AVAILABLE:

10 /s/ Michelle Allersma for Ben Rosenfield
11 BEN ROSENFELD
12 Controller

13 n:\const3\li2022\190869\01579603.docx