

File No. 220231

Committee Item No. 4

Board Item No. 17

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight

Date: April 21, 2022

Board of Supervisors Meeting:

Date: May 3, 2022

#### Cmte Board

<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input type="checkbox"/>	<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	<input checked="" 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

<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	

Prepared by: John Carroll

Date: April 14, 2022

Prepared by: John Carroll

Date: April 29, 2022

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  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25