

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

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

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

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

Section 2. The above-named action was filed in San Francisco Superior Court on April 11, 2019, and the following parties were named in the lawsuit: City and County of San 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

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**City and County of San Francisco**  
**Tails**  
**Ordinance**

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 220231

**Date Passed:** May 10, 2022

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

April 21, 2022 Government Audit and Oversight Committee - RECOMMENDED

May 03, 2022 Board of Supervisors - PASSED ON FIRST READING


Ayes: 9 - Chan, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani and Walton  
Excused: 1 - Melgar


May 10, 2022 Board of Supervisors - FINALLY PASSED

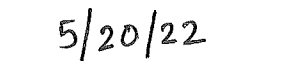
Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 220231

**I hereby certify that the foregoing  
Ordinance was FINALLY PASSED on  
5/10/2022 by the Board of Supervisors of  
the City and County of San Francisco.**

  
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**Angela Calvillo**  
Clerk of the Board

  
\_\_\_\_\_  
**London N. Breed**  
Mayor

  
\_\_\_\_\_  
**5/20/22**  
Date Approved