

1 [Settlement of Unlitigated Claim - West Bay Builders, Inc. - City to Pay \$505,901.52]

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3 **Resolution approving settlement of the unlitigated claim by West Bay Builders, Inc.,**
4 **against the City and County of San Francisco for \$505,901.52; claim was filed on**
5 **August 1, 2014.**

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7 WHEREAS, West Bay Builders, Inc. (“West Bay”) filed a claim on August 1, 2014,
8 against the City and County of San Francisco; and

9 WHEREAS, The San Francisco Public Utilities Commission has recommended
10 settlement of the claim by payment of \$505,901.52; and

11 WHEREAS, In consideration for the settlement, the City and West Bay have further
12 agreed as follows:

- 13 • The City reserves all rights to pursue claims against West Bay for, and West
14 Bay shall retain responsibility for, latent defects;
- 15 • All extant express and implied warranties under the contract shall remain in full
16 force and effect;
- 17 • West Bay will defend, indemnify, and hold the City harmless from all
18 subcontractor claims;
- 19 • The City and West Bay will execute a mutual release; and
- 20 • The City and West Bay will each bear its own fees and costs; now, therefore, be

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22 RESOLVED, That pursuant to Administrative Code, Section 10.22, the Board of
23 Supervisors hereby authorizes the City Attorney to settle and compromise the claim by
24 payment of \$505,901.52 to West Bay.

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APPROVED:

DENNIS J. HERRERA
City Attorney

ELAINE O'NEIL
Deputy City Attorney
Construction and Public
Contracting Team Leader

FUNDS AVAILABLE:

BEN ROSENFELD
Controller

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RECOMMENDED:

SAN FRANCISCO PUBLIC UTILITIES
COMMISSION

HARLAN L. KELLY, JR.
General Manager of the San Francisco
Public Utilities Commission

APPROVED:

SAN FRANCISCO PUBLIC UTILITIES
COMMISSION

DONNA HOOD
Commission Secretary
San Francisco Public Utilities Commission