

1 [Accept and Expend Grant - Federal Highway Bridge Replacement and Rehabilitation  
2 Program - 4th Street Bridge - \$11,420,360]

3 **Resolution retroactively authorizing Public Works to accept and expend a grant in the**  
4 **amount of \$11,420,360 from the Federal Highway Bridge Replacement and**  
5 **Rehabilitation Program - 4<sup>th</sup> Street Bridge for reimbursement of eligible project and**  
6 **settlement costs incurred by the City and County of San Francisco for the period of**  
7 **January 1, 2007, through January 12, 2012.**

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9 WHEREAS, Construction of the 4th Street Bridge Project was substantially complete  
10 on May 31, 2006, and the bridge was opened to traffic in August 2006; and

11 WHEREAS, In February 2008, the contractor, Mitchell Engineering/Obayashi  
12 Corporation, Joint Venture, (MEOC), filed a lawsuit against the City for direct costs and delay  
13 damages due to unforeseen conditions; and

14 WHEREAS, In January 2012, the Board of Supervisors approved an ordinance, on file  
15 with the Clerk of the Board of Supervisors in File No. 111287, which authorized settlement of  
16 the lawsuit and payment of \$14,950,000 from the City to MEOC; and

17 WHEREAS, The ordinance authorized the Director of Public Works to apply for  
18 reimbursement from Caltrans for eligible costs; and

19 WHEREAS, Caltrans and the Federal Highway Administration have reviewed the  
20 claims and project records, consulted with the US Department of Transportation and Inspector  
21 General's Office, and approved a reimbursement of \$11,168,368; and

22 WHEREAS, In February 2015 the City received payment from Caltrans in the amount  
23 of \$11,420,360; and

24 WHEREAS, Receipt of the grant reimbursement requires retroactive acceptance by the  
25 Board of Supervisors; now, therefore, be it

1 RESOLVED, That the Board of Supervisors authorizes the San Francisco Public Works  
2 to retroactively accept and expend \$11,420,360 in Federal grant funds for the 4th Street  
3 Bridge Seismic Retrofit and Rehabilitation Project; and, be it

4 FURTHER RESOLVED, That the San Francisco Public Works is authorized to record  
5 the legal settlement in the 4th Street Bridge Project account with the intent to reimburse the  
6 general fund for eligible settlement costs; and, be it

7 FURTHER RESOLVED, That the Director of Public Works or his designee is  
8 authorized to execute all documents related to the project with Caltrans.

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10 Recommended:

Approved: \_\_\_\_\_

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Mayor

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14 Mohammed Nuru

Approved: \_\_\_\_\_

15 Director of Public Works

Controller

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