

File No. 150549 Committee Item No. 7  
 Board Item No. 9

**COMMITTEE/BOARD OF SUPERVISORS**  
 AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight Date July 9, 2015

Board of Supervisors Meeting Date July 21, 2015  
 Cmte Board

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution                                   |
| <input 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 checked="" type="checkbox"/> | <input checked="" 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 (Use back side if additional space is needed)

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Completed by: Erica Major Date July 2, 2015  
 Completed by: JMM Date July 15, 2015

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

2

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.**

6

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

21 it

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:

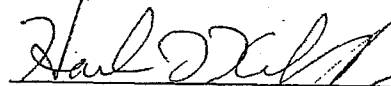


BEN ROSENFELD  
Controller

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RECOMMENDED:

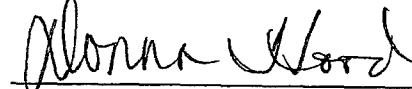
SAN FRANCISCO PUBLIC UTILITIES  
COMMISSION



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

**LEGISLATION RECEIVED CHECKLIST**

Date 5/29/15 File Number (if applicable) \_\_\_\_\_

- Legislation for Introduction (NEW) ▶▶▶ Legislative Clerk
- Legislation Pending in Committee (AMENDED) ▶▶▶ Committee Clerk
- Legislation for Board Agenda (AMENDED) ▶▶▶ Deputy Clerk

**Supervisor, Mayor, and Departmental Submittals**

**Grant Ordinance**

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** Department Head, Mayor or the Mayor's designee, plus the Controller
- Supporting documents:** 1 full set, and separate **pdf** copies of each in email
  - Cover letter (original)
  - Grant budget/application
  - Grant information form, including signed disability checklist
  - Letter of Intent or grant award letter from funding agency
  - Contract, Leases/Agreements (if applicable)
  - Ethics Form 126 (if applicable) in **Word** format
  - Other support documents *as identified in the cover letter and legislation*
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

**Ordinance**

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** City Attorney (For Settlement of Lawsuits - City Attorney, Department Head, Controller, Commission Secretary)
- Supporting documents:** 1 full set, and separate **pdf** copies of each in email
  - Cover letter (original)
  - Settlement Report/Agreement (for settlements)
  - Other support documents *as identified in the cover letter and legislation*
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

**Grant Resolution**

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** Department Head, Mayor or the Mayor's designee, plus the Controller
- Supporting documents:** 1 full set, and separate **pdf** copies of each in email
  - Cover letter (original)
  - Grant budget/application
  - Grant information form, including signed disability checklist
  - Letter of Intent or grant award letter from funding agency
  - Contract, Leases/Agreements (if applicable)
  - Ethics Form 126 (if applicable) in **Word** format
  - Other support documents *as identified in the cover letter and legislation*
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

**Resolution**

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** None (Note: Required for Settlement of Claims - City Attorney, Department Head, Controller, Commission Secretary)
- Supporting documents:** 1 full set, and separate **pdf** copies of each in email
  - Cover letter (original)
  - Settlement Report/Agreement (for settlements)
  - Other support documents *as identified in the cover letter and legislation*
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

Joy Perez 554-3869 City Attorney  
 Name and Telephone Number Department

Clerk's Office/Forms/Legislation Received Checklist (1/2015) for more help go to: [sfbos.org/about-the-board/general/legislative-process-handbook](http://sfbos.org/about-the-board/general/legislative-process-handbook)