

1 [Settlement of Unlitigated Claim - Synergy Project Management, Inc. - City to Pay
2 \$501,561.80]

3 **Resolution approving settlement of the unlitigated claim by Synergy Project**
4 **Management, Inc., against the City and County of San Francisco for \$501,561.80; claim**
5 **was filed on August 22, 2014.**

6
7 WHEREAS, Synergy Project Management, Inc. (“Synergy”) filed a claim on August 22,
8 2014 against the City and County of San Francisco (“City”); and

9 WHEREAS, The Department of Public Works has recommended settlement of the
10 claim for Synergy for the payment of \$501,561.80 from the City to Synergy on DPW Contract
11 No. 1912J; and granting Synergy a 74 calendar day time extension; and

12 WHEREAS, In consideration for the settlement, the City and Synergy have further
13 agreed as follows:

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

22 ///

23 ///

24

25

1 RESOLVED, That pursuant to Administrative Code Section 10.22, the Board of
2 Supervisors hereby authorizes the City Attorney to settle and compromise the claim by
3 payment of \$501,561.80, and the grant of a 74 calendar day noncompensable time extension.

4
5 APPROVED:

RECOMMENDED:

6 DENNIS J. HERRERA
7 City Attorney

CITY AND COUNTY OF SAN FRANCISCO

8 _____
9 ELAINE O'NEIL
10 Deputy City Attorney
11 Construction and Public Contracting
12 Team Leader

MOHAMMED NURU
Director of its Department of Public Works

13 FUNDS AVAILABLE:

14 _____
15 BEN ROSENFELD
16 Controller

17 n:\constr\li2015\151249\01028543.docx