File No.	151021	Committee Item No	3	
		Board Item No	2	

## **COMMITTEE/BOARD OF SUPERVISORS**

AGENDA PACKET CONTENTS LIST

Committee:	Government Audit and Oversight	Date	November 12, 2015
Board of Su Cmte Board	pervisors Meeting	Date	VECTUBER 1, 2015
	Motion Resolution Ordinance Legislative Digest Budget and Legislative Analyst Rep Youth Commission Report Introduction Form Department/Agency Cover Letter and MOU Grant Information Form Grant Budget Subcontract Budget Contract/Agreement Form 126 – Ethics Commission Award Letter Application Public Correspondence		port
OTHER	(Use back side if additional space is	s neede	d)
Completed by		1 43. (4	ember 6, 2015

Ordinance authorizing settlement of the lawsuit filed by Cal State Constructors, Inc. ("Cal State") against the City and County of San Francisco for \$500,000; the lawsuit was filed on November 25, 2014, in the Superior Court of California, County of San Francisco, Case No. CGC-14-542910; entitled Cal State Constructors, Inc. v. City and County of San Francisco; other material terms of said settlement are that the City reserves all rights to pursue claims against Cal State for, and Cal State shall retain responsibility for, latent defects; all extant express and implied warranties under the contract shall remain in full force and effect; Cal State will defend, indemnify, and hold the City harmless from all subcontractor claims; the City and Cal State will execute a

[Settlement of Lawsuit - Cal State Constructors, Inc. - \$500,000]

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

mutual release; and the City and Cal State will each bear its own fees and costs.

Section 1. Pursuant to Charter, Section 6.102(5), the Board of Supervisors hereby authorizes the City Attorney to settle the action entitled <u>Cal State Constructors</u>, <u>Inc. v. City and County of San Francisco</u>, Superior Court of California, County of San Francisco, Case No. CGC-14-542910 by the payment of \$500,000; the City's reservation of all rights to pursue claims against Cal State Constructors, Inc. ("Cal State") for, and Cal State's retention of responsibility for, latent defects; the continuation in full force and effect of all extant express and implied warranties under the contract; Cal State's agreement to defend, indemnify, and hold the City harmless from all subcontractor claims; the execution of a mutual release between the City and Cal State; and the City and Cal State each bearing its own fees and costs.

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Section 2. The above-named action was filed in Superior Court of California, County of e lawsuit: sco.

San Francisco on November 25, 2014, and the	e following parties were named in the lawsu
plaintiff Cal State Constructors, Inc., and defer	ndant City and County of San Francisco.
APPROVED AS TO FORM AND RECOMMENDED:  DENNIS J. HERRERA City Attorney  Law Med  ELAINE O'NEIL Deputy City Attorney Construction and Public Contracting Team Leader	RECOMMENDED:  SAN FRANCISCO PUBLIC UTILITIES COMMISSION  HARLAN KELLY, JR. General Manager  APPROVED:  DONNA HOOD Secretary, Public Utilities Commission
FUNDS AVAILABLE:	
Construction and Public Contracting Team Leader	APPROVED:

BEN BOSENFIELD
Controller

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<u>LEGISLATION RECEIVE</u>	VED CHECKLIST					
Date File Number (if applicable)						
Legislation for Introduction (NEW) [ ] Legislation Pending in Committee (AMENDE) [ ] Legislation for Board Agenda (AMENDED)	<ul> <li>▶► Legislative Clerk</li> <li>D) ►► Committee Clerk</li> <li>▶► Deputy Clerk</li> </ul>					
Supervisor, Mayor, and Departmental Submittals						
[ ] Supporting documents: 1 full set, and         [ ] Cover letter (original)         [ ] Grant budget/application         [ ] Grant information form, including signed         [ ] Letter of Intent or grant award letter from         [ ] Contract, Leases/Agreements (if application in the contract of the	the Mayor's designee, plus the Controller separate pdf copies of each in email didisability checklist in funding agency able) I format in the cover letter and legislation					
Ordinance						
Head, Controller, Commission  Supporting documents: 1 full set, and Cover letter (original)  Settlement Report/Agreement (for settle as identified E-Copy of legislation/supporting documents as identified Grant Resolution  [] Legislation: Original, 1 hard copy, and 1	nt of Lawsuits - City Attorney, Department on Secretary) I separate pdf copies of each in email ements) in the cover letter and legislation ments: Sent to BOS.Legislation@sfgov.org					
[ ] Supporting documents: 1 full set, and [ ] Cover letter (original) [ ] Grant budget/application [ ] Grant information form, including signe [ ] Letter of Intent or grant award letter fro [ ] Contract, Leases/Agreements (if application) [ ] Ethics Form 126 (if applicable) in Word [ ] Other support documents as identified [ ] E-Copy of legislation/supporting documents	m funding agency cable) d format in the cover letter and legislation					
Resolution						
Department Head, Controlle	ettlement of Claims - City Attorney, er, Commission Secretary) d separate <b>pdf</b> copies of each in email lements) in the cover letter and legislation					
Thu Perez 554-3869						

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