

File No. 160740 Committee Item No. 18
 Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS
 AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight Date July 21, 2016

Board of Supervisors Meeting Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input checked="" type="checkbox"/> | <input 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 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 15, 2016
 Completed by: _____ Date _____

1 [Settlement of Unlitigated Claims - Jacobs Engineering Group, Inc. - \$168,556]

2
3 **Resolution approving the settlement of the unlitigated claims between Jacobs**
4 **Engineering Group, Inc. (“Jacobs”) and the City and County of San Francisco for**
5 **\$168,556; no formal claim has been filed; the potential claim involves Jacobs’ demand**
6 **for payment of the entire withheld contract balance of \$337,111 under its Construction**
7 **Management Services Agreement with the City, Contract No. CS-914 (the “CM**
8 **Contract”) related to water pipeline installation contract as part of the City’s Water**
9 **System Improvement Program; additional material terms of the settlement are the**
10 **parties’ mutual release of claims.**

11
12 WHEREAS, Jacobs Engineering Group, Inc. (“Jacobs”) demanded payment of the
13 entire withheld contract balance of \$337,111 under its Construction Management Services
14 Agreement with the City, Contract No. CS-914 (the “CM Contract”) related to water pipeline
15 installation contract as part of the City’s Water System Improvement Program; and

16 WHEREAS, The claim involves Jacobs’ assertion of its reservation of rights in
17 undertaking City’s defense against the lawsuit In re: Mountain Cascade Contract Litigation,
18 San Mateo County Superior Court, Master File No. CIV 519255 (the “MCI Action”), previously
19 settled between the City and Mountain Cascade, Inc. by Ordinance No. 179-15; Jacobs’
20 dispute of its liability for the full scope of City’s tendered defense costs; and Jacobs’ demand
21 for payment of the entire withheld CM Contract balance; and

22 WHEREAS, The San Francisco Public Utilities Commission has recommended
23 settlement of the claim by payment of \$168,556 and the parties’ mutual release of all claims
24 related to or arising out of the CM Contract, Construction Management services provided by
25 Jacobs thereunder, or to the MCI Action; now, therefore, be it

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 \$168,556 and the parties' mutual release of all claims related to or arising out of
4 the CM Contract, Construction Management services provided by Jacobs thereunder, or to
5 the MCI Action.

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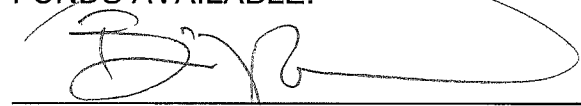
APPROVED:

DENNIS J. HERRERA
City Attorney



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

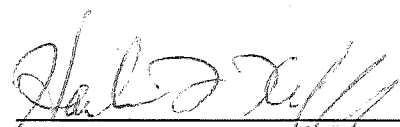
FUNDS AVAILABLE:



BEN ROSENFELD
Controller

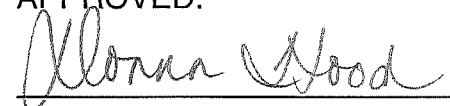
RECOMMENDED:

SAN FRANCISCO PUBLIC UTILITIES
COMMISSION



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

APPROVED:



DONNA HOOD
Secretary, Public Utilities Commission

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LEGISLATION RECEIVED CHECKLIST

Date

6/23/16

File Number (if applicable)

160740

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Legislation for Introduction **(NEW)**
 Legislation Pending in Committee **(AMENDED)**
 Legislation for Board Agenda **(AMENDED)**

Legislative Clerk
 Committee Clerk
 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

Name and Telephone Number

Joy Perez 554-3869

Department

City Attorney

RECEIVED
 BOARD OF SUPERVISORS
 SAN FRANCISCO
 2016 JUN 23 AM 11:10
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