File No.	160740	Committee Item No.	18
		Board Item No	2

COMMITTEE/BOARD OF SUPERVISORS

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Committee:	Government Audit and Oversight	Date <u>July 21, 2016</u>
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Completed b	oy: <u>Erica Major</u> Date	July 15, 2016
Completed b		67/27/2016

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

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

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

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

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

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RESOLVED, That pursuant to Administrative Code, Section 10.22, the Board of Supervisors hereby authorizes the City Attorney to settle and compromise the claim by payment of \$168,556 and the parties' mutual release of all claims related to or arising out of the CM Contract, Construction Management services provided by Jacobs thereunder, or to the MCI Action.

APPROVED:	RECOMMENDED:
DENNIS J. HERRERA City Attorney Lawe Weil ELAINE O'NEIL Deputy City Attorney Construction and Public Contracting Team Leader	SAN FRANCISCO PUBLIC UTILITIES COMMISSION HARLAN L. KELLY, JR. General Manager of the San Francisco Public Utilities Commission
FUNDS AVAILABLE: BEN ROSENFIEI D Controller n:\constr\li2016\131300\01110864.docx	APPROVED: When Wood DONNA HOOD Secretary, Public Utilities Commission

LEGISLATION RECEIVED CHECKLIST
Date
Legislation for Introduction (NEW) [] Legislation Pending in Committee (AMENDED) [] 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 1 Logislation: Original 1 band capy, and 1 electronic capy in Word format
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
Juy Perez 554-3869 City afformen
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