Committee Item No
Board Item No.

## **COMMITTEE/BOARD OF SUPERVISORS**

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	Government Audit and Oversight pervisors Meeting	Date: Date:	April 5, 2017	
Cmte Board				
	Motion Resolution Ordinance Legislative Digest Budget and Legislative Analyst F Youth Commission Report Introduction Form Department/Agency Cover Letter MOU Grant Information Form Grant Budget Subcontract Budget Contract/Agreement Form 126 – Ethics Commission Award Letter Application Public Correspondence	•	oort	
OTHER	(Click the text below for a direct	link to the	document)	
Prepared by: Prepared by:		Date: Marc	ch 30, 2017	

City Attorney
BOARD OF SUPERVISORS

Ordinance authorizing settlement of the lawsuit filed by CF Contracting, Inc. ("CFC") against the City and County of San Francisco for \$110,000, plus \$10,000 if CFC reaches substantial completion of the Mountain Lake Park Playground Renovation with Public Works by February 14, 2017; the lawsuit was filed on March 22, 2016, in the Superior Court of California, County of San Francisco, Case No. CGC-16-551060; entitled CF Contracting, Inc. v. City and County of San Francisco; the lawsuit involves CFC's allegation that the City wrongfully denied bid relief and rejected of one of the subcontractors CFC listed in its bid; other material terms of the settlement are 1) the City will release claims for delay and extend the Contract's completion dates, 2) the City will retain certain rights to assess liquidated damages if CFC does not achieve substantial completion by February 28, 2017, and 3) CFC will release the City from claims, with limited exceptions.

[Settlement of Lawsuit - CF Contracting, Inc. - Up to \$120,000]

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

Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby authorizes the City Attorney to settle the action entitled <u>CF Contracting, Inc. v. City and County of San Francisco</u>, Superior Court of California, County of San Francisco, Case No. CGC-16-551060 by the payment of \$110,000 to CF Contracting, Inc. ("CFC"), plus \$10,000 if CFC reaches substantial completion of San Francisco Public Works Contract No. 3204V, the Mountain Lake Park Playground Renovation ("Contract"), by February 14, 2017. Other material terms of the settlement include the City's release of all claims for delay under the presettlement project schedule for the Contract; the City's extension of the substantial and final completion dates for the Contract to February 28, 2017, and March 30, 2017, respectively,

with the exception that the City will retain the right to assess liquidated damages starting from February 1, 2017, if CFC does not achieve substantial completion by February 28th, 2017; CFC's dismissal of the lawsuit with prejudice and release of the City from all claims related to the action; and, with the exception of the claim at issue in Proposed Change Order #17.2(R3), CFC's release of all asserted claims under the Contract that CFC was aware of prior to December 19, 2016, and all claims under the Contract, known or unknown, related to any costs incurred or work performed by CFC prior to December 19, 2016. The lawsuit involves the demand of the prime contractor for the Contract, CFC, that the City compensate it for the City's allegedly wrongful denial of bid relief and rejection of one of the subcontractors CFC listed in its bid.

Section 2. The above-named action was filed in the Superior Court of California, County of San Francisco on March 22, 2016, and the following parties were named in the lawsuit: CF Contracting, Inc. and the City and County of San Francisco.

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APPROVED AS TO FORM AND RECOMMENDED:

DENNIS J. HERRERA City Attorney

Elaine M. O'Neil

Construction and Public Contracting Team Leader, Deputy City Attorney

FUNDS AVAILABLE:

BEN ROSENFIELD Controller

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**RECOMMENDED:** 

E¶REATION AND PARK DEPARTMENT

Phil Ginsburg General Manager

APPROVED:

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Margaret McArthur

Secretary, Recreation and Park Commission

/ LEGISLATION RECEIVED CHECKLIST			
Date			
Legislation for Introduction (NEW)  [ ] Legislation Pending in Committee (AMENDED)  [ ] Legislation for Board Agenda (AMENDED)    Deputy Clerk    Deputy Clerk			
Supervisor, Mayor, and Departmental Submittals			
Grant Ordinance	œ		
[ ] 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	OARD OF SUPERY		
[ ] Contract, Leases/Agreements (if applicable)	<u> </u>		
[ ] Ethics Form 126 (if applicable) in <b>Word</b> format [ ] Other support documents as identified in the cover letter and legislation	0		
[ ] E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.or	ra °		
Ordina <del>nce</del>			
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)			
Control of the support documents as identified in the cover letter and legislation			
E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.o	rg		
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 <b>Word</b> format			
[ ] Other support documents as identified in the cover letter and legislation			
[ ] E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.o	rg		
Resolution			
<ul> <li>Legislation: Original, 1 hard copy, and 1 electronic copy in Word format</li> <li>Signature: None (Note: Required for Settlement of Claims - City Attorney, Department Head, Controller, Commission Secretary)</li> </ul>			
<ul> <li>[ ] Supporting documents: 1 full set, and separate pdf copies of each in email</li> <li>[ ] Cover letter (original)</li> <li>[ ] Settlement Report/Agreement (for settlements)</li> </ul>			
[ ] Other support documents as identified in the cover letter and legislation [ ] E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.o	rg		
Tou Perez 554-3869 Ohy Athorney	·		

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

Name and Telephone Number

Department