

File No. 170228

Committee Item No. 5

Board Item No. 2

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight  
Board of Supervisors Meeting

Date: April 5, 2017

Date: APRIL 11, 2017

#### Cmte Board

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input checked="" type="checkbox"/> | <input checked="" 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 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 (Click the text below for a direct link to the document)

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Prepared by: John Carroll

Date: March 30, 2017

Prepared by: *JM*

Date: 4/6/2017

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

2

3 **Ordinance authorizing settlement of the lawsuit filed by CF Contracting, Inc. (“CFC”)**

4 **against the City and County of San Francisco for \$110,000, plus \$10,000 if CFC reaches**

5 **substantial completion of the Mountain Lake Park Playground Renovation with Public**

6 **Works by February 14, 2017; the lawsuit was filed on March 22, 2016, in the Superior**

7 **Court of California, County of San Francisco, Case No. CGC-16-551060; entitled CF**

8 **Contracting, Inc. v. City and County of San Francisco; the lawsuit involves CFC’s**

9 **allegation that the City wrongfully denied bid relief and rejected of one of the**

10 **subcontractors CFC listed in its bid; other material terms of the settlement are 1) the**

11 **City will release claims for delay and extend the Contract’s completion dates, 2) the**

12 **City will retain certain rights to assess liquidated damages if CFC does not achieve**

13 **substantial completion by February 28, 2017, and 3) CFC will release the City from**

14 **claims, with limited exceptions.**

15

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

17 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby

18 authorizes the City Attorney to settle the action entitled CF Contracting, Inc. v. City and

19 County of San Francisco, Superior Court of California, County of San Francisco, Case No.

20 CGC-16-551060 by the payment of \$110,000 to CF Contracting, Inc. (“CFC”), plus \$10,000 if

21 CFC reaches substantial completion of San Francisco Public Works Contract No. 3204V, the

22 Mountain Lake Park Playground Renovation (“Contract”), by February 14, 2017. Other

23 material terms of the settlement include the City’s release of all claims for delay under the pre-

24 settlement project schedule for the Contract; the City’s extension of the substantial and final

25 completion dates for the Contract to February 28, 2017, and March 30, 2017, respectively,

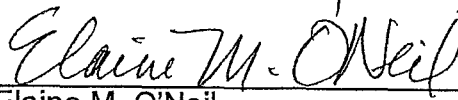
1 with the exception that the City will retain the right to assess liquidated damages starting from  
2 February 1, 2017, if CFC does not achieve substantial completion by February 28th, 2017;  
3 CFC's dismissal of the lawsuit with prejudice and release of the City from all claims related to  
4 the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

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

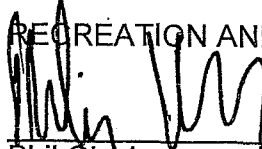
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APPROVED AS TO FORM AND  
RECOMMENDED:

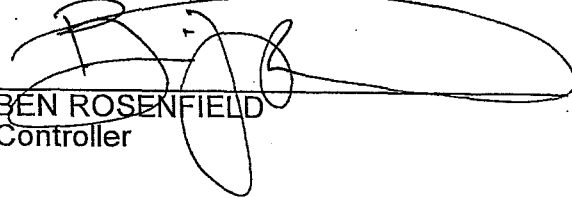
DENNIS J. HERRERA  
City Attorney

  
Elaine M. O'Neil  
Construction and Public Contracting Team  
Leader, Deputy City Attorney

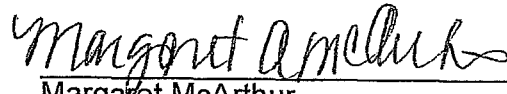
RECOMMENDED:

RECREATION AND PARK DEPARTMENT  
  
Phil Ginsburg  
General Manager

FUNDS AVAILABLE:

  
BEN ROSENFELD  
Controller

APPROVED:

  
Margaret McArthur  
Secretary, Recreation and Park Commission

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**LEGISLATION RECEIVED CHECKLIST**

Date 3/3/17 File Number (if applicable) 170228

- Legislation for Introduction (NEW) ▶▶▶ Legislative Clerk
- Legislation Pending in Committee (AMENDED) ▶▶▶ Committee Clerk
- 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**

RECEIVED  
 BOARD OF SUPERVISORS  
 SAN FRANCISCO  
 2017 MAR -3 PM 3:15  
 [Handwritten initials/signature]

**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**

Toy Perez 554-3869 City Attorney  
 Name and Telephone Number Department

