

1 [Settlement of Lawsuit - Con-Quest Contractors, Inc. - \$325,000]

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3 **Ordinance authorizing settlement of the lawsuit filed by Con-Quest Contractors, Inc.**
4 **against the City and County of San Francisco for \$325,000; the lawsuit was filed on**
5 **April 9, 2020, in San Francisco Superior Court, Case No. CGC-20-584105; entitled Con-**
6 **Quest Contractors, Inc. v. City and County of San Francisco; the lawsuit involves**
7 **construction claims.**

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

10 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby
11 authorizes the City Attorney to settle the action entitled Con-Quest Contractors, Inc. v. City
12 and County of San Francisco, San Francisco Superior Court Case No. CGC-20-584105, by the
13 payment of \$325,000 to plaintiff Con-Quest Contractors, Inc. The lawsuit involves
14 construction claims.

15 Section 2. The above-named action was filed in San Francisco Superior Court on April
16 9, 2020, and the following parties were named in the lawsuit: Defendant City and County of
17 San Francisco and Plaintiff Con-Quest Contractors, Inc.

18 Section 3. Additional settlement terms include: Con-Quest Contractors, Inc. will retain
19 responsibility for latent defects; all express and implied warranties under the construction
20 contract will remain in full force and effect; Con-Quest Contractors Inc. will defend, indemnify,
21 and hold the City harmless from all subcontractor claims; the City and Con-Quest Contractors,
22 Inc. will execute a mutual release; and each party will each bear its own fees and costs.

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APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney

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

FUNDS AVAILABLE:

/s/ Michelle Allersma for Ben Rosenfield
BEN ROSENFELD
Controller

RECOMMENDED:

DEPARTMENT OF PUBLIC WORKS

/s/
ALARIC DEGRAFINRIED
Director

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