

1 [Settlement of Lawsuit]

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3 **Ordinance authorizing settlement of the lawsuit, entitled City And County Of San**
4 **Francisco v. Competent Builders, Inc., Alameda County Superior Court Case No: RG-**
5 **05-229-274 (formerly San Francisco Superior Court Case No. CGC-04-437148) in the**
6 **amount of \$510,000 paid to San Francisco by Competent Builders, Inc., and its**
7 **subcontractors.**

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

9 Section 1. The City Attorney is hereby authorized to settle the action entitled City And
10 County Of San Francisco v. Competent Builders, Inc., Alameda County Superior Court Case
11 No: RG-05-229-274, on the following terms:

- 12 • Competent Builders, Inc. ("Competent") and its subcontractors will deposit a total of
- 13 \$510,000 into a Settlement Fund Account, administered by Wells Fargo Bank,
- 14 which settlement funds shall be used for the purpose of performing corrective and
- 15 repair work at the facility known as the Portsmouth Square Recreation Center; The
- 16 corrective and repair work shall be performed pursuant to design and construction
- 17 and/or design-build contracts negotiated between San Francisco and the
- 18 contractors ("negotiated contracts"). The competitive bidding provisions of Chapter
- 19 Six of the San Francisco Administrative Code shall not apply to such negotiated
- 20 contracts; Negotiated contracts are appropriate because other than potential
- 21 change order work, the repair contractors will be paid for their work directly by the
- 22 neutral escrow, upon written direction by and subject to the approval of San
- 23 Francisco, rather than from City funds;
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- All parties will execute a mutual release the rights to which San Francisco will retain;
- All parties will execute and file dismissals of all claims with prejudice, and all parties will bear their own fees and costs;

RECOMMENDED

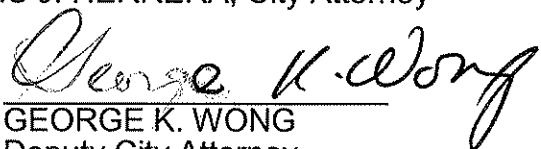
SAN FRANCISCO RECREATION & PARK
DEPARTMENT

see original for signatures
YOMI AGUNBIADE
General Manager
San Francisco Recreation & Park Department

APPROVED

SECRETARY

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: 

GEORGE K. WONG
Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 080628

Date Passed:

Ordinance authorizing settlement of the lawsuit, entitled City and County of San Francisco v. Competent Builders, Inc., Alameda County Superior Court Case No: RG-05-229-274 (formerly San Francisco Superior Court Case No. CGC-04-437148) in the amount of \$510,000 paid to San Francisco by Competent Builders, Inc., and its subcontractors.

June 17, 2008 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, McGoldrick,
Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

June 24, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080628

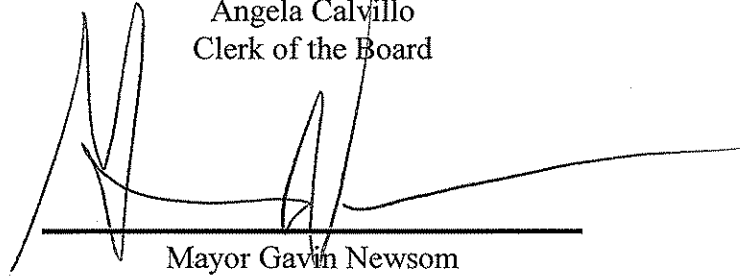
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on June 24, 2008 by
the Board of Supervisors of the City and
County of San Francisco.

6/30/08

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom