

1 [Settlement of Unlitigated Claim - West Bay Builders, Inc. - City to Pay \$505,901.52]

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3 **Resolution approving settlement of the unlitigated claim by West Bay Builders, Inc.,**  
4 **against the City and County of San Francisco for \$505,901.52; claim was filed on**  
5 **August 1, 2014.**

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7 WHEREAS, West Bay Builders, Inc. ("West Bay") filed a claim on August 1, 2014,  
8 against the City and County of San Francisco; and

9 WHEREAS, The San Francisco Public Utilities Commission has recommended  
10 settlement of the claim by payment of \$505,901.52; and

11 WHEREAS, In consideration for the settlement, the City and West Bay have further  
12 agreed as follows:

- 13 • The City reserves all rights to pursue claims against West Bay for, and West  
14 Bay shall retain responsibility for, latent defects;
- 15 • All extant express and implied warranties under the contract shall remain in full  
16 force and effect;
- 17 • West Bay will defend, indemnify, and hold the City harmless from all  
18 subcontractor claims;
- 19 • The City and West Bay will execute a mutual release; and
- 20 • The City and West Bay will each bear its own fees and costs; now, therefore, be

21 it

22 RESOLVED, That pursuant to Administrative Code, Section 10.22, the Board of  
23 Supervisors hereby authorizes the City Attorney to settle and compromise the claim by  
24 payment of \$505,901.52 to West Bay.

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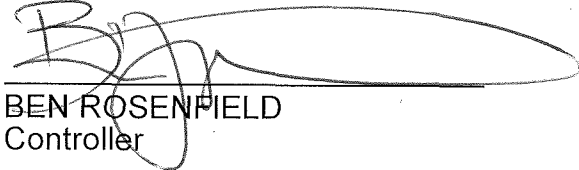
APPROVED:

DENNIS J. HERRERA  
City Attorney



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

FUNDS AVAILABLE:

  
BEN ROSENFELD  
Controller

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RECOMMENDED:

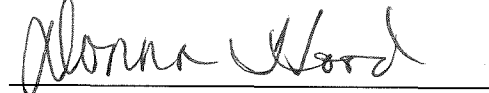
SAN FRANCISCO PUBLIC UTILITIES  
COMMISSION



HARLAN L. KELLY, JR.  
General Manager of the San Francisco  
Public Utilities Commission

APPROVED:

SAN FRANCISCO PUBLIC UTILITIES  
COMMISSION



DONNA HOOD  
Commission Secretary  
San Francisco Public Utilities Commission



City and County of San Francisco

Tails  
Resolution

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

File Number: 150549

Date Passed: July 21, 2015

Resolution approving settlement of the unlitigated claim by West Bay Builders, Inc., against the City and County of San Francisco for \$505,901.52; claim was filed on August 1, 2014.

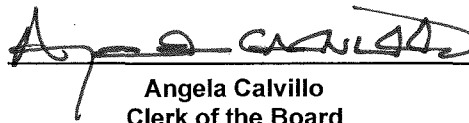
July 09, 2015 Government Audit and Oversight Committee - RECOMMENDED..

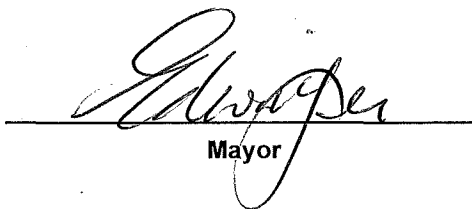
July 21, 2015 Board of Supervisors - ADOPTED

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee  
Excused: 1 - Campos

File No. 150549

I hereby certify that the foregoing Resolution was ADOPTED on 7/21/2015 by the Board of Supervisors of the City and County of San Francisco.

  
Angela Calvillo  
Clerk of the Board

  
Mayor

  
Date Approved