

AMENDED IN COMMITTEE

7/15/15

FILE NO. 150649

RESOLUTION NO. 288-15

1 [Accept and Expend Grant - Federal Highway Bridge Replacement and Rehabilitation  
2 Program - 4th Street Bridge - \$11,420,360]

3 **Resolution retroactively authorizing Public Works to accept and expend a grant in the**  
4 **amount of \$11,420,360 from the Federal Highway Bridge Replacement and**  
5 **Rehabilitation Program - 4<sup>th</sup> Street Bridge for reimbursement of eligible project and**  
6 **settlement costs incurred by the City and County of San Francisco for the period of**  
7 **January 1, 2007, through January 12, 2012.**

8  
9 WHEREAS, Construction of the 4th Street Bridge Project was substantially complete  
10 on May 31, 2006, and the bridge was opened to traffic in August 2006; and

11 WHEREAS, In February 2008, the contractor, Mitchell Engineering/Obayashi  
12 Corporation, Joint Venture, (MEOC), filed a lawsuit against the City for direct costs and delay  
13 damages due to unforeseen conditions; and

14 WHEREAS, In January 2012, the Board of Supervisors approved an ordinance, on file  
15 with the Clerk of the Board of Supervisors in File No. 111287, which authorized settlement of  
16 the lawsuit and payment of \$14,950,000 from the City to MEOC; and

17 WHEREAS, The ordinance authorized the Director of Public Works to apply for  
18 reimbursement from Caltrans for eligible costs; and

19 WHEREAS, Caltrans and the Federal Highway Administration have reviewed the  
20 claims and project records, consulted with the US Department of Transportation and Inspector  
21 General's Office, and approved a reimbursement of \$11,420,360; and

22 WHEREAS, In February 2015 the City received payment from Caltrans in the amount  
23 of \$11,420,360; and

24 WHEREAS, Receipt of the grant reimbursement requires retroactive acceptance by the  
25 Board of Supervisors; now, therefore, be it

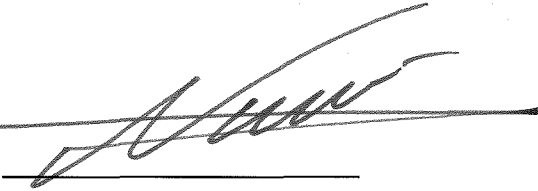
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RESOLVED, That the Board of Supervisors authorizes the Department of Public Works to retroactively accept and expend \$11,420,360 in Federal grant funds for the Fourth Street Bridge Seismic Retrofit & Rehabilitation Project; and, be it


FURTHER RESOLVED, That the the Department of Public Works is authorized to record the legal settlement in the Fourth Street Bridge Project account with the intent to reimburse the general fund for eligible settlement costs; and, be it

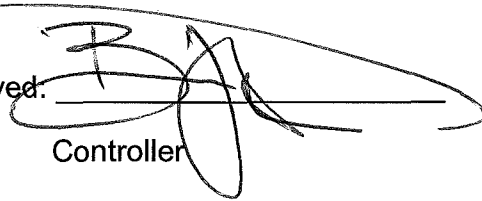
FURTHER RESOLVED, That the Director of Public Works or his designee is authorized to execute all documents related to the project with Caltrans.

Recommended:



Mohammed Nuru  
Director of Public Works

Approved:   
for Mayor

Approved:   
Controller



**City and County of San Francisco**  
**Tails**  
**Resolution**

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

**File Number:** 150649

**Date Passed:** July 21, 2015

Resolution retroactively authorizing Public Works to accept and expend a grant in the amount of \$11,420,360 from the Federal Highway Bridge Replacement and Rehabilitation Program - 4th Street Bridge for reimbursement of eligible project and settlement costs incurred by the City and County of San Francisco for the period of January 1, 2007, through January 12, 2012.

July 15, 2015 Budget and Finance Sub-Committee - AMENDED


July 15, 2015 Budget and Finance Sub-Committee - RECOMMENDED AS AMENDED

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. 150649

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

7/30/15  
Date Approved