

1 [Settlement of Unlitigated Claim - Shimmick Construction Company, Inc. and F.D. Thomas,
2 Inc. - City to Receive \$750,000]

3 **Resolution approving settlement of the unlitigated claim filed by the City and County of**
4 **San Francisco against Shimmick Construction Company, Inc. (“Shimmick”) and F.D.**
5 **Thomas, Inc. (“F.D. Thomas”) for \$750,000; the claim involves compensation for**
6 **construction defects allegedly caused by Shimmick Construction Company and F.D.**
7 **Thomas, Inc.**

8
9 WHEREAS, Shimmick Construction Company, Inc. (“Shimmick”) and F.D. Thomas,
10 Inc. (“F.D. Thomas”) have agreed to the settlement of an unlitigated claim by the City and
11 County of San Francisco (“City”), calling for F.D. Thomas’s payment of \$750,000 to the City;
12 and

13 WHEREAS, This unlitigated claim arises from the failure of interior liners in digesters at
14 the Oceanside Water Pollution Control Plant; and

15 WHEREAS, F.D. Thomas has agreed to pay the City \$750,000 in exchange for the
16 City’s full and final release of its claim against Shimmick and F.D. Thomas for costs resulting
17 from the lining failures; and

18 WHEREAS, Shimmick, F.D. Thomas, and the City agree that each should bear its own
19 costs and fees; and

20 WHEREAS, The San Francisco Public Utilities Commission recommends the
21 settlement; now, therefore, be it

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1 RESOLVED, That pursuant to Section 10.24 of the Administrative Code, the Board
2 hereby approves settlement of the unlitigated claim by F.D. Thomas's payment to the City of
3 \$750,000.

4
5 APPROVED:

6 DENNIS J. HERRERA
7 City Attorney

RECOMMENDED:

SAN FRANCISCO PUBLIC UTILITIES
COMMISSION

8
9 /s/
10 ELAINE O'NEIL
11 Deputy City Attorney
12 Construction and Public Contracting
13 Team Leader

/s/
MICHAEL CARLIN
General Manager of the San Francisco
Public Utilities Commission

14 APPROVED:

15 /s/
16 DONNA HOOD
17 Commission Secretary

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City and County of San Francisco
Tails
Resolution

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

File Number: 211066

Date Passed: November 30, 2021

Resolution approving settlement of the unlitigated claim filed by the City and County of San Francisco against Shimmick Construction Company, Inc. ("Shimmick") and F.D. Thomas, Inc. ("F.D. Thomas") for \$750,000; the claim involves compensation for construction defects allegedly caused by Shimmick Construction Company and F.D. Thomas, Inc.

November 18, 2021 Government Audit and Oversight Committee - RECOMMENDED

November 30, 2021 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 211066

I hereby certify that the foregoing
Resolution was ADOPTED on 11/30/2021 by
the Board of Supervisors of the City and
County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

12/10/21

Date Approved