

1 [Settlement of Lawsuit - Fong & Chan Architects, Inc. - \$6,600,000]

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3 **Ordinance authorizing settlement of the lawsuit filed by the City and County of San**
4 **Francisco (“City”) against Fong & Chan Architects, Inc. for a net payment to San**
5 **Francisco of \$6,600,000; the lawsuit was filed on April 11, 2019, in the Superior Court of**
6 **the State of California, County of San Francisco, Case No. CGC-19-575186; entitled City**
7 **and County of San Francisco v. Fong & Chan Architects, Inc.; the lawsuit involves**
8 **allegations of professional negligence in the design of the San Francisco General**
9 **Hospital Rebuild Project and breach of contract; other material terms of the settlement**
10 **are the City shall receive payment of \$7,350,000 and shall pay Fong & Chan Architects,**
11 **Inc. \$750,000 on the cross-complaint for unpaid architectural fees.**

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

14 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby
15 authorizes the City Attorney to settle the action entitled City and County of San Francisco v.
16 Fong & Chan Architects, Inc., San Francisco Superior Court, Case No. CGC-19-575186 by
17 the payment of \$7,350,000 to the City and County of San Francisco (“City”) and the City’s
18 payment of \$750,000 to Fong & Chan Architects, Inc. The lawsuit involves allegations of
19 professional negligence in the design of the San Francisco General Hospital Rebuild Project
20 and breach of contract.

21 Section 2. The above-named action was filed in San Francisco Superior Court on April
22 11, 2019, and the following parties were named in the lawsuit: City and County of San
23 Francisco; Fong & Chan Architects, Inc.

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APPROVED AS TO FORM AND
RECOMMENDED:

DAVID CHIU
City Attorney

/s/
ELAINE M. O'NEIL
Construction & Public Contracting Team
Leader

FUNDS AVAILABLE:

/s/ Michelle Allersma for Ben Rosenfield
BEN ROSENFELD
Controller

RECOMMENDED:

SAN FRANCISCO PUBLIC WORKS

/s/
CARLA SHORT
Interim Director

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City and County of San Francisco

Tails Ordinance

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

File Number: 220231

Date Passed: May 10, 2022

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco ("City") against Fong & Chan Architects, Inc. for a net payment to San Francisco of \$6,600,000; the lawsuit was filed on April 11, 2019, in the Superior Court of the State of California, County of San Francisco, Case No. CGC-19-575186; entitled City and County of San Francisco v. Fong & Chan Architects, Inc.; the lawsuit involves allegations of professional negligence in the design of the San Francisco General Hospital Rebuild Project and breach of contract; other material terms of the settlement are the City shall receive payment of \$7,350,000 and shall pay Fong & Chan Architects, Inc. \$750,000 on the cross-complaint for unpaid architectural fees.

April 21, 2022 Government Audit and Oversight Committee - RECOMMENDED

May 03, 2022 Board of Supervisors - PASSED ON FIRST READING


Ayes: 9 - Chan, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani and Walton
Excused: 1 - Melgar

May 10, 2022 Board of Supervisors - FINALLY PASSED

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

File No. 220231

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 5/10/2022 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board



London N. Breed
Mayor

5/20/22

Date Approved