

CITY OF OAKLAND



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March 19, 2024

HONORABLE CITY COUNCIL  
Oakland, California

**Subject: Flatiron West, Inc. v. City of Oakland  
Alameda County Superior Court Case No. RG19041029  
City Attorney File No. 33689  
(Departments of Transportation and Public Works – Breach of Contract)**

President Fortunato Bas and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled lawsuit for payment to the City in the amount of \$250,000.00 and a release of all claims by all parties, except any claims the City may have in the future for latent defects of the public improvement project known as the Replacement of Embarcadero Bridge over Lake Merritt Channel (the “Project”).

This lawsuit arises out of the Project. The City contracted with Plaintiff Flatiron West, Inc. (“Flatiron”) to serve as the general contractor for the Project. Flatiron alleges that the City breached the contract and is indebted to Flatiron for the sum of “at least \$3.3 million,” including damages allegedly for unpaid work Flatiron performed to complete the Project, and delays allegedly caused by the City. The City filed a cross-complaint for damages against Flatiron, as well as against T.Y. Lin International, AECOM, AECOM Technical Services, Inc., and T.Y. Lin International/AECOM, the joint venture that designed the Project. The City has determined to settle and resolve the lawsuit by agreeing to accept payment of \$250,000.00, with a release of all claims by all parties, except any claims the City may have in the future for latent defects.

The City Council authorized settlement of this case in Closed Session on Thursday, March 7, 2024 (moved by Councilmember Noel Gallo and seconded by Councilmember Dan Kalb - 6 Ayes, 2 Excused - Councilmembers Janani Ramachandran and Treva Reid).

Respectfully submitted,

A handwritten signature in blue ink that reads "Barbara J. Parker".

BARBARA J. PARKER  
City Attorney

Assigned Attorney:  
Kevin P. McLaughlin