

REPORT OF GENERAL MANAGER

APPROVED

NO. 08-114

DATE May 7, 2008

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C.D. 4 & 14

BOARD OF RECREATION
and PARK COMMISSIONERS

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SUBJECT: EVERGREEN RECREATION CENTER - CHILDCARE CENTER (W.O. #E170354F) - ACCEPTANCE OF STOP NOTICE; EVERGREEN RECREATION CENTER - CHILDCARE CENTER (W.O. #E170354F) - ACCEPTANCE OF AMENDED STOP NOTICE; GRIFFITH OBSERVATORY - RENOVATION AND EXPANSION (#1504C) (W.O. #170210F) - RELEASE OF STOP NOTICE

R. Adams _____	J. Kolb _____
H. Fujita _____	F. Mok _____
S. Huntley _____	K. Regan _____
V. Israel _____	*M. Shull <i>MS</i>

[Signature]

 General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

That the Board:

1. Accept the following Stop Notice, and direct staff to withhold the amount claimed, plus an additional sum equal to 25% thereof, to defray any costs of litigation in the event of court action, if said amount of said funds are available, and to notify contractors, sureties, and other interested parties that the amount of said claim plus 25% will be withheld; and
2. Accept the amended Stop Notice from LaQuer, Urban, Clifford & Hodge, LLP on behalf of the Southern California IBEW-NECA Trust Funds in the amount of \$24,879.99, as described in the Summary of this report; and
3. Accept the following request for Release of Stop Notice.

SUMMARY:

ACCEPTANCE OF STOP NOTICE:

The Department is in receipt of a legal notice to withhold construction funds, pursuant to California Civil Code Sections 3103 and 3181, on the following contract:

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Contract 3184 CD 14

Evergreen Recreation Center – Childcare Center (W.O. #E170354F)	General Contractor:	H.M.I. Construction Service
Project Status: 95% Complete	Claimant:	Mariposa Horticultural Enterprises, Inc.
Project Impact: None	Amount:	\$26,078

ACCEPTANCE OF AMENDED STOP NOTICE:

At its meeting of September 5, 2007, the Board approved General Manager's Report No. 07-196, authorizing the acceptance of a Stop Notice from LaQuer, Urban, Clifford & Hodge, LLP on behalf of the Southern California IBEW-NECA Trust Funds in the amount of \$25,167.49 for the Evergreen Recreation Center – Childcare Center project, Contract No. 3184.

On April 2, 2008, the Department received an Amended Stop Notice from LaQuer, Urban, Clifford & Hodge, LLP on behalf of the Southern California IBEW-NECA Trust Funds in the amount of \$24,879.99. The claim in the Amended Stop Notice is for unpaid, collectively bargained, fringe benefit contributions as a result of work performed by the employees of Electrical Systems Startup, Inc. on this project.

ACCEPTANCE OF RELEASE OF STOP NOTICE:

The Department is in receipt of a Release of Stop Notice filed by the claimant below, which releases the Board from any and all liability for withholding funds from the general contractor or the surety:

Contract 3068 CD 4

Griffith Observatory – Renovation and Expansion (W.O. #170210F) (#1504C)	General Contractor:	S.J. Amoroso Construction Co., Inc
Project Status: 100% Complete	Claimant:	Webcor Construction, Inc. dba Webcor Concrete
Project Impact: None	Amount:	\$4,384,241

FISCAL IMPACT STATEMENT:

The release of funds does not impact the contract amount, and therefore, approval of the release will have no impact on the Department's General Fund. The acceptance of the amended stop notice will not impact the contract amount and will not have an impact on the Department's General Fund.

Prepared by LaTonya D. Dean, Commission Executive Assistant I.