

APPROVED

REPORT OF GENERAL MANAGER

NOV 19 2008

NO. 08-312

DATE November 19, 2008

**BOARD OF RECREATION
and PARK COMMISSIONERS**

C.D. 6 and 14

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: EVERGREEN RECREATION CENTER - CHILDCARE CENTER
(W.O. #E170354F); BRAND PARK - COMMUNITY BUILDING (#2800N)
(W.O. #E170935F) — ACCEPTANCE AND RELEASE OF STOP NOTICES
ON CONSTRUCTION CONTRACTS

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



 General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

That the Board:

1. Accept the following Stop Notices and direct staff to withhold the amount claimed in them, 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 the contractors, sureties, and other interested parties that the amount of each claim plus 25% will be withheld; and,
2. Accept the following Releases of Stop Notice.

SUMMARY:

ACCEPTANCE OF STOP NOTICES:

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

<u>Contract 3184</u>	CD 14		
Evergreen Recreation Center – Childcare Center	General	H.M.I. Construction Service	
(W.O. #E170354F)	Contractor:		

REPORT OF GENERAL MANAGER

PG. 2

NO. 08-312

Project Status: 97%	Claimant: APW Construction Inc. dba Ace Fence Company
Project Impact: none	Amount: \$23,300.00

<u>Contract 3184</u> CD 14 Evergreen Recreation Center – Childcare Center (W.O. #E170354F)	General Contractor: H.M.I. Construction Service
Project Status: 97%	Claimant: Westway Construction, Inc.
Project Impact: none	Amount: \$5,868.90

RELEASES OF STOP NOTICE:

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

<u>Contract 3212</u> CD 6 Brand Park – Community Building (W.O. #E170935F)	General Contractor: Tek-Up Construction, Inc.
Project Status: 87%	Claimant: Precision Doors & Millwork
Project Impact: none	Amount: \$53,466.00

<u>Contract 3184</u> CD 14 Evergreen Recreation Center – Childcare Center (W.O. #E170354F)	General Contractor: H.M.I. Construction Service
Project Status: 97%	Claimant: Doja, Inc.
Project Impact: none	Amount: \$14,500.00

<u>Contract 3184</u> CD 14 Evergreen Recreation Center – Childcare Center (W.O. #E170354F)	General Contractor: H.M.I. Construction Service
Project Status: 97%	Claimant: Walters Wholesale Electric
Project Impact: none	Amount: \$15,004.77

FISCAL IMPACT STATEMENT:

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

This report was prepared by LaTonya D. Dean, Commission Executive Assistant.