

APPROVED
MAY 20 2009

REPORT OF GENERAL MANAGER

NO. 09-112

DATE May 20, 2009

BOARD OF RECREATION
and PARK COMMISSIONERS

C.D. 8

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: SOUTH LOS ANGELES SPORTS ACTIVITY CENTER (W.O. #E170233F) -
RELEASE OF FUNDS WITHHELD UNDER CONTRACT NO. 3203 TO TOBO
CONSTRUCTION, INC.

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

[Signature]
General Manager

Approved *[Signature]*

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board release to Tobo Construction, Inc., funds in the amount of \$9,374, previously withheld to satisfy a Stop Notice claim, which claim has now expired.

SUMMARY:

The Board of Recreation and Park Commissioners accepted the following Stop Notice filed against Tobo Construction, Inc., under Department Contract No. 3203 for the South Los Angeles Sports Activity Center (W.O. #E170233F):

<u>Acceptance Date</u>	<u>Claimant</u>	<u>Amount</u>
July 23, 2008	Sierra Wholesale Hardware, Inc.	\$9,374

On July 23, 2008 the Board accepted the work on the project as complete and Tobo Construction, Inc. was furnished with a letter of completion. Sierra Wholesale Hardware, Inc. was required to perfect its stop notice claim within 180 days of the Board's acceptance of the project and was notified in writing on February 19, 2009 to respond within 15 days as to whether their stop notice had been perfected.

Sierra Wholesale Hardware, Inc. failed to respond; the 180-day period has expired and Civil Code Section 3210 requires that the funds withheld be paid to the contractor. Therefore, it is now in order to release the subject funds to Tobo Construction, Inc.

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FISCAL IMPACT STATEMENT:

Release of funds will have no impact on the Department's General Fund.

Prepared by LaTonya D. Dean, Commission Executive Assistant.