

APPROVED
JUL 19 2012

REPORT OF GENERAL MANAGER

NO. 12-228

DATE July 19, 2012

BOARD OF RECREATION
AND PARK COMMISSIONERS

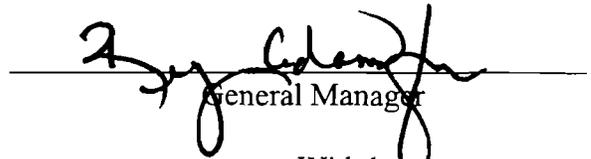
C.D. 11

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: CULVER SLAUSON RECREATION CENTER – PHASE II (YOUTH COMMUNITY CENTER) (PRJ20550) (W.O. #E1907289) PROJECT – SUBSTITUTION OF SUBCONTRACTOR

R. Adams _____
H. Fujita _____
V. Israel _____

K. Regan _____
*M. Shull _____
N. Williams _____



General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATIONS:

That the Board:

1. Hold a hearing to determine whether to approve or deny the substitution of Andy Quiocho Concrete as a subcontractor on the Culver Slauson Recreation Center – Phase II (Youth Community Center) (PRJ20550) (W.O. #E1907289) project as requested by Nile Advanced Construction, Inc. (NAC), the prime contractor, pursuant to Los Angeles Administrative Code (LAAC) Section 10.14.3, inasmuch as a letter of objection was received; and,
2. Approve the request for substitution, pursuant to LAAC Sections 10.14.3(c) and (f), the prime contractor, Nile Advance Construction, Inc. has demonstrated to the Board's satisfaction that Andy Quiocho Concrete, "the listed subcontractor has failed or refuses to perform its subcontract" with the prime contractor and such failure or refusal of the "subcontractor is substantially delaying or disrupting the progress of the work."

SUMMARY:

LAAC Section 10.14.3 states in part that "No prime contractor whose bid is accepted may substitute any person as subcontractor in place of the subcontractor listed in the original bid or offer except in the following instances:

- (c) When the listed subcontractor fails or refuses to perform its subcontract.

REPORT OF GENERAL MANAGER

PG. 2

NO. 12-228

- (f) When the awarding authority determines that work being performed by the listed subcontractor is substantially unsatisfactory and not in substantial accordance with the plans and specifications, or the listed subcontractor is substantially delaying or disrupting the progress of the work.”

On June 22, 2012, June 26, 2012, and again on June 29, 2012, the Bureau of Contract Administration (BCA) of the Department of Public Works received written requests from Nile Advanced Construction, Inc. (NAC), the prime contractor for the Culver Slauson Recreation Center – Phase II (Youth Community Center) (PRJ20550) (W.O. #E1907289) project, Contract No. 3361, requesting permission to substitute its approved listed subcontractor, Andy Quiocho Concrete, with their own forces for the remaining portion of work on this project (Attachment 1). Based on the information provided by NAC, BCA staff is recommending that the Board approve the subcontractor substitution request pursuant to LAAC Sections 10.14.3 (c) and (f). According to the letters to BCA, NAC stated that:

1. Prime contractor terminated its subcontract with Subcontractor because subcontractor was in default in completing their work in accordance with the construction schedule due to lack of equipment, lack of forming materials and lack of masonry materials. (Letters dated 6-22-12 and 6-29-12)
2. It was reported to the prime contractor’s project manager represented that the subcontractor “failed to make payments to their workers involved in the project...” resulting in the workers refusing to show up to the job site to do the work. (Letters dated June 22, 2012 and June 26, 2012)
3. The subcontractor “withdrew from the work at the job site disregarding (the prime contractor’s) various requests to complete the work.” (Letter dated June 26, 2012)

These issues have prevented the progression of construction activities in a timely manner.

On June 27, 2012, the Department provided written notification via certified mail and email to Andy Quiocho Concrete of the substitution request (Attachment 2). The Department, on June 29, 2012, received a timely written objection to the substitution via email from Andy Quiocho (Attachment 3). In accordance with Section 10.14.3, "if written objections are filed, the awarding authority shall give five days' notice to the prime contractor and to the listed subcontractor of a hearing by the awarding authority on the prime contractor's request for substitution. The determination of the awarding authority shall be final."

In the letter received via e-mail on June 29, 2012, Andy Quiocho Concrete contests the substitution, stating that NAC terminated the subcontract “prior to receiving the necessary

REPORT OF GENERAL MANAGER

PG. 3

NO. 12-228

authorization to do so.” Issues to be considered by the Board during the hearing will include whether the subcontractor can complete the remaining portion of concrete work, and whether pursuant to Los Angeles Administrative Code Section 10.14.3 factual circumstances exist that satisfy the conditions specified in the Code to approve or deny the substitution request made by the prime contractor.

The Bureau of Contract Administration has recommended approving the request for substitution.

FISCAL IMPACT STATEMENT:

The approval or denial of the substitution request will not alter the contract amount and therefore has no impact on the Department's General Fund.

This report was prepared by Seffy Wiles, Bureau of Contract Administration.



June 29, 2012

To; The City Of Los Angeles
Attn.: Bureau of Contract Administration

Re: Sub-contractor substitution request — Culver Slauson Recreation Center

Mr. John L. Reamer, Jr.
Inspector of Public Works
1149 S. Broadway St., Suite
300 Los Angeles, California
90015 Attn: Division
Manager
General Services Division

Dear Mr. Reamer,

We hereby kindly request the approval to substitute the concrete subcontractor for the above referenced project Quiocho Concrete and to have the remaining portion of the work completed by Nile Advanced's own force. We kindly ask for an expedited review.

Please note that the total concrete flat work is \$ 60,000. The total work completed by Quiocho Concrete is \$ 35,667 .

We therefore request to complete the remaining portion of \$ 24,333 by Nile Advanced's own crew

We would like to inform you as we have mentioned before the reasons for which we had to terminate Quiocho Concrete's Contract is not only limited to delaying the work on the project's critical path but also the following facts as follows:

- Quiocho Concrete failed to provide us with the certified payroll in compliance with labor law requirement.
- Quiocho Concrete failed to provide us with the bond we requested for the concrete work.
- They failed to make payments to their workers involved in the project who reported to us that they were not paid for several weeks.
- Quiocho Concrete withdrawn from the work at the job site disregarding our various requests to complete their work.

NILE ADVANCED CONSTRUCTION, INC.
4106 Valley Blvd, Walnut, CA 91789
TEL: (909)595-6611 FAX: (909)595-6613

- Nonpayment of their supplier's dues.

Please note that we have no objection that quiocho Concrete may complete their work in the project on the condition that they satisfy the labor code, provide us with the required bond, to have a proof of payments of the back wages due to their workers and, to obtain releases from their suppliers for the materials they have ordered on the project.

On the other hand we attach the GOOD FAITH EFFORT DOCUMENTATION as follows:

1. Good Faith Effort Log
 - 1.1. Includes phone and fax log, and selection status. (1 pg)
2. Bid Invitation Letter Sent to MBE/WBE/OBE Concrete Subcontractor
3. Fax Transmission Verification of Bid Invitation
 - 4.1 Golden Sun Construction, Inc. - WBE, MBE, DBE (1 pg)
 - 4.2 Arrow Concrete Cutting - MBE (1 pg)
 - 4.3. Gernimo Concrete, Inc. - MBE, DBE (1pg)
4. DBE/MBE/WBE Directory for the City of Los Angeles, Department of Public Works, Bureau of Contract Administration. This directory was used to find the MBE and WBE Landscape contractors.
5. Copy of List of Subcontractors from Bid Package indicating the bid listed subcontractor for the Concrete work (1 pg)

We would appreciate considering granting Nile Advanced the approval in respect of the critical path for the concrete pouring at this stage.

Yours sincerely,



Samih Barsoum
Secretary,

NILE ADVANCED CONSTRUCTION, INC.
4106 Valley Blvd, Walnut, CA 91789
TEL: (909)595-6611 FAX: (909)595-6613



GOOD FAITH EFFORTS LOG FOR CONCRETE SUBCONTRACTOR SUBSTITUTION

Div	Trade	Company	Group	Fax	Fax Date	Fax Response	Phone #	Phone Date & Time	Contact Person	Selection Status
3	Concrete	Gemimo Concrete, Inc.	MBE/DBE	(323)222-8312	6/22/2012	None	(323)225-2016	6/25/2012 at 11:30 Am	Fernando	Not Bidding
3	Concrete	Golden Sun Construction, Inc.	WBE/MBE/DBE	(949)380-9707	6/22/2012	None	(949)380-9787	6/22/2012 at 3:00 PM	Mak	Not Bidding
3	Concrete	Arrow Concrete Cutting Co.	MBE	(818)899-9613	6/22/2012	None	(818)834-4632	6/27/2012 at 2:30 PM	Benjamin	Not Bidding



4106 VALLEY BLVD
 WALNUT, CA 91789
 TEL.: (909)595-6611
 FAX: (909)595-6613
 STATE LIC #:847261

Request for Proposal

Return Reply Requested

To: Golden Sun Construction, Inc.
 Dear Estimator:
 Your Company is invited to bid on the project listed below

Project Name	Culver Slauson Recreation Center
Project Contact	Wagdy Bissada
Project Owner	City of Los Angeles

Project description:

Provide all Labor, material and equipment necessary to complete the concrete work as shown on the contract drawing and specification

REQUIRED TRADES: Concrete

Location of Plan: Plans are available for review at our office.

This is a Prevailing wage project

Please complete the information below and return via facsimile to (909)595-6613. **If you have any question please feel free to contact us.**

Bidding Yes _____ No _____
DVBE: Yes _____ No _____
Union: Yes _____ No _____

TRADE:

CONTACT PERSON:
CONTACT PHONE #:

FAX#:

* * * Memory TX Result Report (Jun. 22. 2012 12:39PM) * * *

1) NILE ADVANCED CONSTRUCTION, INC
2)

Date/Time: Jun. 22. 2012 12:37PM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
2692	Memory TX	19493809707	P. 1	OK	

Reason for error

- E. 1) Hang up or line fail
- E. 2) Busy
- E. 3) No answer
- E. 4) No facsimile connection
- E. 5) Exceeded max. E-mail size



496 VALLEY BLVD
WALNUT, CA 91789
TEL: (909)95-4611
FAX: (909)95-4613
STATE LIC: 497261

Request for Proposal

Return Reply Requested

To: Golden Sun Construction, Inc.
Dear Estimator:
Your Company is invited to bid on the project listed below

Project Name	Colver Slanson Recreation Center
Project Contact	Wagdy Bissada
Project Owner	City of Los Angeles

Project description:

Provide all Labor, material and equipment necessary to complete the concrete work as shown on the contract drawing and specification

REQUIRED TRADES: Concrete

Location of Plans: Plans are available for review at our office.

This is a Prevailing wage project

Please complete the information below and return via facsimile to (909)95-4613. If you have any questions please feel free to contact us.

Bidding: Yes _____ No _____
 DVBE: Yes _____ No _____
 Union: Yes _____ No _____

TRADE:

CONTACT PERSON:
CONTACT PHONE #:

FAX#:



CITY OF LOS ANGELES
Bureau of Contract Administration
 "quality doesn't cost - it pays"



Home | Information | Divisions | Ordinances | Editorials | Forms | Application

CONSTRUCTION

- Inspection**
 - Obtain an Inspector
 - Special Permits
 - Final Inspection
- Payments**
 - Your Progress
 - Payment
- Subcontractors**
 - Subcontractor
 - Approval
 - Subcontractor
 - Substitution
- Material Control**
 - Lab. Test Results
 - Shop Inspection
 - Information
- More**
 - "B" Permit Status
 - Construction Activity
 - Contractor
 - Responsibility

CONTRACT COMPLIANCE

- DBE/MBE/WBE
- Listing
- Small Local
- Business Listing
- Contract
- Compliance
- Subcontractor
- Outreach
- Labor Compliance
- Manual
- Current Living Wage
- PLA / Local Hiring
- Good Faith Effort
- Tips

MORE

- Safety
- Bureau Manual
- LA Business

Single Company Information

Company Name:	Golden Sun Construction, Inc.		
DBA:			
Contact Name:	Yip, Meiling		
DMW NAICS Codes:	235710 / 237110 / 237310 / 238120		
DMW NAICS Description:	Concrete Contractors / Water and Sewer Line and Related Structures Constr / Highway, Street and Bridge Construction / Structural Steel and Precast Concrete Contractors		
ACDBE NAICS Codes:			
ACDBE NAICS Description:			
Company Phone:	(949) 380-9797	Company Fax:	(949) 380-9707
Email Address:	gscon@cox.net		
Company Address:	25371 Mustang Drive		
Building:			
City/State/Zip:	<u>Laguna Hills, CA 92653</u>		
Ethnicity Code:	Asian-Pacific American		
Comment:	Approved : 02/14/2006		

DBE Certified:	02/14/2006
MBE Certified:	02/14/2006
WBE Certified:	02/14/2006
ACDBE Certified:	

Home | Top of the Page | Previous Page | Contact Us
 Disclaimer

MAK



4106 VALLEY BLVD
 WALNUT, CA 91789
 TEL.: (909)595-6611
 FAX: (909)595-6613
 STATE LIC #:847261

Request for Proposal

Return Reply Requested

To: Arrow Concrete Cutting Co.
 Dear Estimator:
 Your Company is invited to bid on the project listed below

Project Name	Culver Slauson Recreation Center
Project Contact	Wagdy Bissada
Project Owner	City of Los Angeles

Project description:

Provide all Labor, material and equipment necessary to complete the concrete work as shown on the contract drawing and specification

REQUIRED TRADES: Concrete

Location of Plan: Plans are available for review at our office.

This is a Prevailing wage project

Please complete the information below and return via facsimile to (909)595-6613. If you have any question please feel free to contact us.

Bidding Yes _____ No _____
DVBE: Yes _____ No _____
Union: Yes _____ No _____

TRADE:

CONTACT PERSON:
CONTACT PHONE #:

FAX#:

* * * Memory TX Result Report (Jun. 22. 2012 12:43PM) * * *

1) NILE ADVANCED CONSTRUCTION. INC
2)

Date/Time: Jun. 22. 2012 12:36PM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
2690	Memory TX	18188999613	P. 1	OK	

Reason for error
 E. 1) Hang up or line fail
 E. 2) Busy
 E. 3) No answer
 E. 4) No facsimile connection
 E. 5) Exceeded max. E-mail size



ONE VALLEY BLVD
 WALNUT, CA 91709
 TEL: (909)95-6611
 FAX: (909)95-6613
 STATE LIC: 6267283

Request for Proposal
 Return Reply Requested

To: Arrow Concrete Cutting Co.
 Dear Estimator:
 Your Company is invited to bid on the project listed below

Project Name	Calver Shastan Recreation Center
Project Contact	Wagdy Bissada
Project Owner	City of Los Angeles

Project description:
 Provide all Labor, material and equipment necessary to complete the concrete work as shown on the contract drawing and specification

REQUIRED TRADES: Concrete

Location of Plans: Plans are available for review at our office.

This is a Prevailing wage project

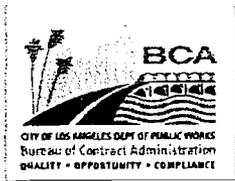
Please complete the information below and return via facsimile to (909)95-6613. If you have any questions please feel free to contact us.

Bidding: Yes _____ No _____
 DYWID: Yes _____ No _____
 Union: Yes _____ No _____

TRADE:

CONTACT PERSON:
 CONTACT PHONE #:

FAX#:



CITY OF LOS ANGELES
Bureau of Contract Administration
 "quality doesn't cost - it pays"



Home | Information | Divisions | Ordinances | Estimators | Forms | Application

CONSTRUCTION

Inspection

Obtain an Inspector
 Special Permits
 Final Inspection

Payments

Your Progress
 Payment

Subcontractors

Subcontractor
 Approval
 Subcontractor
 Substitution

Material Control

Lab. Test Results
 Shop Inspection
 Information

More

"B" Permit Status
 Construction Activity
 Contractor
 Responsibility

CONTRACT COMPLIANCE

DBE/MBE/WBE

Listing
 Small Local
 Business Listing
 Contract
 Compliance
 Subcontractor
 Outreach
 Labor Compliance
 Manual
 Current Living Wage
 PLA / Local Hiring
 Good Faith Effort
 Tips

MORE

Safety
 Bureau Manual
 LA Business

Single Company Information

Company Name: Arrow Concrete Cutting Co.											
DBA:											
Contact Name: Medrano, Oscar											
DMW NAICS Codes: 235710											
DMW NAICS Description: Concrete Contractors											
ACDBE NAICS Codes:											
ACDBE NAICS Description:											
Company Phone: (818) 834-4632	Company Fax: (818) 899-9613										
Email Address:		<table border="1"> <tr> <td>DBE Certified:</td> <td></td> </tr> <tr> <td>MBE Certified:</td> <td>05/19/2000</td> </tr> <tr> <td>WBE Certified:</td> <td></td> </tr> <tr> <td>ACDBE Certified:</td> <td></td> </tr> </table>		DBE Certified:		MBE Certified:	05/19/2000	WBE Certified:		ACDBE Certified:	
DBE Certified:											
MBE Certified:	05/19/2000										
WBE Certified:											
ACDBE Certified:											
Company Address: 9960 San Fernando Road											
Building:											
City/State/Zip: <u>Pacoima,</u> <u>CA 91331</u>											
Ethnicity Code: Hispanic American											
Comment: Approved : 05/19/2000											

Home | Top of the Page | Previous Page | Contact Us
 Disclaimer



4106 VALLEY BLVD
WALNUT, CA 91789
TEL.: (909)595-6611
FAX: (909)595-6613
STATE LIC #:847261

Request for Proposal

Return Reply Requested

To: Gernimo Concrete, Inc.

Dear Estimator:

Your Company is invited to bid on the project listed below

Project Name	Culver Slauson Recreation Center
Project Contact	Wagdy Bissada
Project Owner	City of Los Angeles

Project description:

Provide all Labor, material and equipment necessary to complete the concrete work as shown on the contract drawing and specification

REQUIRED TRADES: Concrete

Location of Plan: Plans are available for review at our office.

This is a Prevailing wage project

Please complete the information below and return via facsimile to (909)595-6613. If you have any question please feel free to contact us.

Bidding Yes _____ No _____
DVBE: Yes _____ No _____
Union: Yes _____ No _____

TRADE:

CONTACT PERSON:
CONTACT PHONE #:

FAX#:

* * * Memory TX Result Report (Jun. 22. 2012 12:38PM) * * *

1) NILE ADVANCED CONSTRUCTION, INC
2)

Date/Time: Jun. 22. 2012 12:36PM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
2691 Memory TX	13232228312	P. 1	OK	

Reason for error

E. 1) Hang up or line fail	E. 2) Busy
E. 3) No answer	E. 4) No facsimile connection
E. 5) Exceeded max. E-mail size	



4800 VALLEY BLVD
WALNUT, CA 91780
TEL: (909)975-6611
FAX: (909)975-6613
STATE LIC #247261

Request for Proposal

Return Reply Requested

To: Gerardo Concrete, Inc.
Dear Estimator:
Your Company is invited to bid on the project listed below

Project Name	Calver Siamesan Recreation Center
Project Contact	Wagdy Elzadeh
Project Owner	City of Los Angeles

Project description:

Provide all Labor, material and equipment necessary to complete the concrete work as shown on the contract drawing and specification

REQUIRED TRADES: Concrete

Location of Plans: Plans are available for review at our office.

This is a Prevailing wage project

Please complete the information below and return via facsimile to (909)975-6613. If you have any questions please feel free to contact us.

Bidding Yes _____ No _____
 DVBE: Yes _____ No _____
 Unlsc: Yes _____ No _____

TRADE:

CONTACT PERSON:
CONTACT PHONE #:

FAX#:



CITY OF LOS ANGELES
Bureau of Contract Administration
 "quality doesn't cost - it pays"



Home | Information | Divisions | Ordinances | Editorials | Forms | Application

CONSTRUCTION

- Inspection**
 - Obtain an Inspector
 - Special Permits
 - Final Inspection
- Payments**
 - Your Progress
 - Payment
- Subcontractors**
 - Subcontractor
 - Approval
 - Subcontractor
 - Substitution
- Material Control**
 - Lab. Test Results
 - Shop Inspection
 - Information
- More**
 - "B" Permit Status
 - Construction Activity
 - Contractor
 - Responsibility

CONTRACT COMPLIANCE

- DBE/MBE/WBE
- Listing
- Small Local
- Business Listing
- Contract
- Compliance
- Subcontractor
- Outreach
- Labor Compliance
- Manual
- Current Living Wage
- PLA / Local Hiring
- Good Faith Effort
- Tips

MORE

- Safety
- Bureau Manual
- LA Business

Single Company Information

Company Name:	Geronimo Concrete, Inc.		
DBA:			
Contact Name:	Lopez, Lidia		
DMW NAICS Codes:	237310 / 238110 / 238120 / 238990		
DMW NAICS Description:	Highway, Street and Bridge Construction / Poured Concrete Foundation and Structure Contracto / Structural Steel and Precast Concrete Contractors / All Other Special Trade Contractors		
ACDBE NAICS Codes:			
ACDBE NAICS Description:			
Company Phone:	(323) 225-2016	Company Fax:	(323) 222-8312
Email Address:			
Company Address:	4560 N. Huntington Dr.		
Building:			
City/State/Zip:	Los Angeles, CA 90032		
Ethnicity Code:	Hispanic American		
Comment:	Approved : 11/13/2003		

DBE Certified:	11/13/2003
MBE Certified:	11/13/2003
WBE Certified:	
ACDBE Certified:	

Home | Top of the Page | Previous Page | Contact Us
 Disclaimer

SCHEDULE "A" (Continued)
 SUBCONTRACTORS AND SUPPLIERS

SUBCONTRACTORS OR SUPPLIERS NAME, ADDRESS, TELEPHONE NO.	SUB	SUPPLIER	CONTRACTOR LICENSE NO.	DESCRIPTION OF WORK OR SUPPLIES TO BE PROVIDED (*If supplying or subcontracting for add/deduct alternate items, please note herein)	NBE	WBE	DBE	DISADVANTAGED SUBCONTRACTOR APPLICABLE TO ADD/DEDUCT ITEMS
Man Metal design Brea 562 691 6966	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Fence, Iron, chainlink	X	X	X	Base: \$ 19,200 Add's: \$ _____ Ded's: \$ _____
J.M AirCondition W.Covina 626 337 5955	<input checked="" type="checkbox"/>	<input type="checkbox"/>		HVAC				Base: \$ 80,000 Add's: \$ _____ Ded's: \$ _____
Signs Lucite Pomona 909 624 3485	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		ED Building Sign	X	X		Base: \$ 10,000 Add's: \$ _____ Ded's: \$ _____
Pacifi, Indu Elec Brea 714 990 9280	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Electric, fire alarm	X	X		Base: \$ 459,535 Add's: \$ _____ Ded's: \$ _____
P.N. Supply Long beach 714 642 0548	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Building Material			X	Base: \$ 35,000 Add's: \$ _____ Ded's: \$ _____
Quiacho Concrete Fountain valley 714 588 4655	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Concrete paving				Base: \$ 60,000 Add's: \$ _____ Ded's: \$ _____
Sam's Glass Herrita 562 463 0801	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Star front				Base: \$ 40,000 Add's: \$ _____ Ded's: \$ _____
IBN Construction Orange 213 494 7390	<input checked="" type="checkbox"/>	<input type="checkbox"/>		paving/stripping				Base: \$ 27,000 Add's: \$ _____ Ded's: \$ _____
METRO STEEL SANTEE, CA 619-448-9995	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Steel structure				Base: \$ 170,000 Add's: \$ _____ Ded's: \$ _____
MACKERNAN INC. REDLAND, CA 909-307-1383	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Door & Frames				Base: \$ 33,600 Add's: \$ _____ Ded's: \$ _____



June 26, 2012

To; The City Of Los Angeles
Attn.: Bureau of Contract Administration

Re: Sub-contractor substitution request — Culver Slauson Recreation Center

Mr. John L. Reamer, Jr.
Inspector of Public Works
1149 S. Broadway St., Suite
300 Los Angeles, California
90015 Attn: Division
Manager
General Services Division

Dear Mr. Reamer,

We refer to previous correspondence on the above subject and would like to clarify the breakdown of Quiocho Concrete's contract value of 159,098 as follows:

- Theo cost of the concrete flat work \$ 60,000
- Concrete work needed in respect for light pole foundations as part of the electrical subcontractor's subcontract to be coordinated between Quiocho Concrete and the electrical subcontractor.
- The Masonry work to be coordinated between Quiocho Concrete and their mason subcontractor.
- Concrete work for the palyground equipment area (Nile Advanced).
- The steel rebar work that was included in Quiocho's subcontract since the steel rebar contractor was firstly withdrawn from the project therefore such work was agreed to be done by Quiocho Concrete, however such amount is to be deducted from Quiocho 's subcontract on the ground that R & D Steel, the listed subcontractor changed their position and decided not to withdraw from the project.

Meanwhile it was agreed that a joint check to include the name of Quiocho Concrete and the electrical subcontractor and the same is to be applied to R & D Steel.

On the other hand as mentioned before the total dollar amount for the work completed by Quiocho Concrete is \$ 57,438

NILE ADVANCED CONSTRUCTION, INC.
4106 Valley Blvd, Walnut, CA 91789
TEL: (909)595-6611 FAX: (909)595-6613

Meanwhile we would like to inform you as we have mentioned before the reasons for which we had to terminate Quioco Concrete's Contract is not only limited to delaying the work on the project's critical path but also the following facts as:

- Quioco Concrete failed to provide us with the certified payroll in compliance with labor law requirement.
- They failed to make payments to their workers involved in the project that was reported to us by their workers.
- Quioco Concrete withdrawn from the work at the job site disregarding our various requests to complete their work.
- Nonpayment of their supplier's dues.

Please note that we have no objection that quioco Concrete may complete their work in the project on the condition that they satisfy the labor code, to have a proof of payments of the back wages due to their workers and, to obtain releases from their suppliers for the materials they have ordered on the project.

We would appreciate reconsidering granting us a temporary approval in respect of this critical path for the concrete pouring at this stage and you may please hold any further approval until the hearing is finalized.

We will be awaiting your response at your earliest convenience.

Yours sincerely,

Samih Barsoum
Secretary,

NILE ADVANCED CONSTRUCTION, INC.
4106 Valley Blvd, Walnut, CA 91789
TEL: (909)595-6611 FAX: (909)595-6613



June 22, 2012

To; The City Of Los Angeles
Attn.: Bureau of Contract Administration

Re: Sub-contractor substitution request — Culver Slauson Recreation Center

Mr. John L. Reamer, Jr.
Inspector of Public Works
1149 S. Broadway St., Suite
300 Los Angeles, California
90015 Attn: Division
Manager
General Services Division

Dear Mr. Reamer,

We hereby kindly request the approval to substitute the concrete subcontractor for the above referenced project and to have the work completed by our company's own crew. We kindly ask for an expedited review. Thank you in advance for your kind cooperation.

We would like to inform that we had to terminate Quiocho Concrete's contract with Nile Advanced due to the following reasons:

- Quiocho Concrete were in default in completing their work in accordance with the construction schedule due to lack of equipment, lack of forming materials and lack of masonry materials.
- Quicho concrete failed to make payment to their workers involved in the project reported that to our Project Manager on the job site and informed him that they will not show on the job site unless they are paid by Quiocho Concrete.
- Quiocho Concrete were not in compliance to our various correspondence and telephone conversation following withdrawal of their worker to complete their work since they are in default on the work activities.
- Quiocho Concrete did not comply with labor law requirement to submit their certified payroll.

NILE ADVANCED CONSTRUCTION, INC.
4106 Valley Blvd, Walnut, CA 91789
TEL: (909)595-6611 FAX: (909)595-6613

Please note the following:

- The Dollar amount of the work completed by Quioco Concrete is \$ 57,438
- The remaining portion of the work to be completed by Nile Advanced is \$ 70,638

We therefore request your temporary approval for the urgent concrete pouring work that constitute a critical pass and you may please hold the approval in respect of the other remaining portion of the concrete work until you receive the required release from the subcontractor.

We would appreciate receiving your earliest approval since this urgent work was supposed to be done last week.

We thank you in advance for your kind cooperation.

Yours sincerely,

Samih Barsoum
Secretary,

NILE ADVANCED CONSTRUCTION, INC.
4106 Valley Blvd, Walnut, CA 91789
TEL: (909)595-6611 FAX: (909)595-6613

BOARD OF PUBLIC WORKS
MEMBERS

ANDREA A. ALARCÓN
PRESIDENT

JERILYN LÓPEZ MENDOZA
VICE PRESIDENT

STEVEN T. NUTTER
COMMISSIONER

VALERIE LYNNE SHAW
COMMISSIONER

ARLEEN P. TAYLOR
EXECUTIVE OFFICER

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

Attachment 2
JOHN L. REAMER, JR.
Inspector of Public Works
and
Director
BUREAU OF
CONTRACT ADMINISTRATION
1149 S. BROADWAY, SUITE 300
LOS ANGELES, CA 90015
(213) 847-1922
<http://bca.lacity.org>

CERTIFIED MAIL

and emailed to: andyquiochoconcrete@yahoo.com

Andy Quiocho Concrete
Attention: Andy Quiocho
8884 Thames River
Fountain Valley, CA 92708

June 27, 2012

Dear Mr. Quiocho:

CULVER SLAUSON RECREATION CENTER – PHASE II (YOUTH COMMUNITY CENTER) W.O. E1907289

In a letter received by this office on June 25, 2012, **Nile Advanced Construction, Inc.**, the prime contractor on the above referenced project, requested approval to substitute your company as the concrete subcontractor for this project. According to **Nile Advanced Construction, Inc.**, your company has delayed the project's critical path in failing to complete the concrete work in accordance with your subcontract.

You have five (5) working days to file a written objection to this substitution with this office. If no such objection is filed, the substitution will be recommended for approval to the Board of Recreation and Parks.

If you have any questions please contact Ms. Seffy Wiles at (213) 847-2408.

Sincerely,

JOHN L. REAMER, JR.
Inspector of Public Works
By

WALTER BRADLEY, Assistant Director
Bureau of Contract Administration

SW:bes
ProjCoor\culverrecctr5dayquiocho.ltr



BOARD OF PUBLIC WORKS
MEMBERS

ANDREA A. ALARCÓN
PRESIDENT

JERILYN LÓPEZ MENDOZA
VICE PRESIDENT

STEVEN T. NUTTER
COMMISSIONER

VALERIE LYNNE SHAW
COMMISSIONER

ARLEEN P. TAYLOR
EXECUTIVE OFFICER

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

JOHN L. REAMER, JR.
Inspector of Public Works
and
Director

BUREAU OF
CONTRACT ADMINISTRATION

1149 S. BROADWAY, SUITE 300
LOS ANGELES, CA 90015
(213) 847-1922

<http://bcacity.org>

Nile Advanced Construction, Inc.
Attention: Samih Barsoum
4106 Valley Blvd.
Walnut, CA 91789-1404

June 27, 2012

Dear Mr. Barsoum:

CULVER SLAUSON RECREATION CENTER - PHASE II (YOUTH COMMUNITY CENTER) **W.O. E1907289**

In response to your written request received June 25, 2012, **Andy Quiocho Concrete** has been notified by certified mail of your intention to substitute them on the above referenced project. They have five (5) working days from the receipt of the letter to file a written objection to this substitution with this office. If no objection is filed, the substitution will be recommended for approval to the Board of Recreation and Parks.

If you have any questions please contact Ms. Seffy Wiles at (213) 847-2408.

Sincerely,

JOHN L. REAMER, JR.
Inspector of Public Works
By

WALTER BRADLEY, Assistant Director
Bureau of Contract Administration

SW:bes
ProjCoor/culverrecctr5dayquiochonile.ltr

cc: Mary Alvarez, Board of Recreation and Parks

(714) 717-5690
(714) 274-9561 Fax



License # 884784
Bonded and Insured

John Reamer, Jr.
Inspector of Public Works
City of Los Angeles
1149 S. Broadway Suite 300
Los Angeles, CA. 90015

RE: Culver-Slauson Recreation and Youth Center Subcontractor Substitution

Dear Mr. Reamer;

We received your letter today regarding Nile Advanced Construction's request for substitution of Quiucho Concrete's subcontract agreement with them on the Culver-Slauson Recreation Center project.

We do not agree with the request and believe Nile Advanced Construction (NAC) is in violation of the California Public Works Codes. On May 29th, we received a letter from NAC's Attorney, Lisa Stepanski, which terminated our subcontract agreements on both projects we had with NAC; I have included the letter for your review. NAC did not follow the procedure set forth in the Public Works Contract Code when they terminated our subcontract prior to receiving the necessary authorization to do so. We further believe NAC may have violated the Subletting and Subcontracting code and prompt payment codes. Quiucho Concrete began work on January 17th and began communicating to NAC in March, our need to receive progress payments in order to pay our employees and suppliers. We did not receive a payment until April 30, 2012 which left us in an extremely difficult financial hardship; we requested copies of payments made for our scope of work on several occasions but were told by NAC it was not legal for them to provide us with those copies. The actions of NAC have caused Quiucho Concrete and our employee's devastating financial hardships and should be examined for possible violations against public funds.

We request a hearing to present our case and would like to state for the record that we have never intended to harm the City of Los Angeles and we are very sorry for the position this has put the City in.

Sincerely,

A handwritten signature in black ink, appearing to read "Andy Quiucho", written over a horizontal line.

Andy Quiucho
Owner

8884 Thames River Ave. Fountain Valley, CA. 92708

LAW OFFICE OF LISA A. STEPANSKI
A PROFESSIONAL CORPORATION
ATTORNEY AT LAW

550 NORTH PARKCENTER DRIVE
SUITE 204
SANTA ANA, CALIFORNIA 92705

TELEPHONE: (714) 564-9033
FACSIMILE: (714) 564-1685

May 29, 2012

VIA EMAIL AND U.S. MAIL
andyquiochoconcrete@yahoo.com

Mr. Andy R. Quiocho
Quiocho Concrete
8884 Thames River Avenue
Fountain Valley, CA 92708.

Re: Quiocho Concrete's Subcontract with Nile Advanced Construction ("NAC") for El Monte Educational Center ("Rio Hondo") and the and Culver Slauson Recreational Center ("Slauson")(collectively, the "Projects")

Dear Mr. Quiocho:

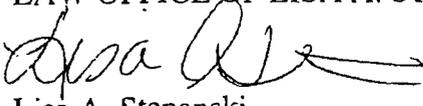
This letter shall constitute formal notice from NAC that it is terminating Quiocho Concrete's Subcontracts for both Projects. The reasons are: (1) failure to send workers and or materials to the job, even after warning from NAC, and (2) failure to provide NAC with complete and accurate certified payroll records. NAC is having another contractor complete the concrete work on the Projects. After the work is completed, NAC will comply with the terms of the Subcontracts in seeking damages from Quiocho Concrete.

I appreciate your willingness to speak with me over the last few days, and your emails to me; however, last week NAC provided you with a notice to supply the job with labor and materials, which you refused. Furthermore, since you are accusing NAC of falsifying time and payroll records and NAC certainly denies such accusations, it is clear that the parties cannot get past their differences to get the job done. Additional communication, including a meeting with me, would be fruitless.

NAC has notified the Labor Compliance Board that there is a dispute as to how much is owed the various laborers and how much has been paid, as well as NAC's difficulties in determining the answers to these questions due to the inconsistencies and incompleteness in the paperwork.

Mr. Andy Quioco
Quioco Concrete
March 16, 2012
Page 2

Thank you for your attention to this matter.

Very truly yours,
LAW OFFICE OF LISA A. STEPANSKI

Lisa A. Stepanski

CC: Samih Barsoum, NAC (via email only)