

APPROVED
09-21-2016

BOARD OF RECREATION
AND PARK COMMISSIONERS

BOARD REPORT

NO. 16-200

DATE September 21, 2016

C.D. 9

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: SOUTH PARK RECREATION CENTER – NORTHWEST SYNTHETIC SOCCER FIELD IMPROVEMENT (PRJ20812) (W.O #E1907808) PROJECT – ACCEPTANCE OF STOP PAYMENT NOTICE ON CONSTRUCTION CONTRACT NO. 3468

AP Diaz	_____	V. Israel	_____
<i>for</i> *R. Barajas	<u>CSD</u>	K. Regan	_____
H. Fujita	_____	N. Williams	_____

[Signature]
General Manager

Approved ✓ Disapproved _____ Withdrawn _____

RECOMMENDATION

Direct Department of Recreation and Parks (RAP) staff to withhold the amounts claimed in the following Stop Payment Notice, 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 claims plus 25% will be withheld.

STOP PAYMENT NOTICE

RAP is in receipt of a legal notice to withhold construction funds, pursuant to California Civil Code Sections 8044, 9100, and 9350 on the following contract:

<u>Contract 3468</u>	CD 9		
South Park Recreation Center – Northwest Synthetic Soccer Field Improvement (W.O # E1907808) (PRJ20812) Project	Project Status: Complete	General Contractor:	California Landscape & Design
Project Impact: none		Claimant:	Builders Fence Company, Inc.
		Amount:	\$3,826.16

FISCAL IMPACT STATEMENT

Acceptance of Stop Payment Notices has no impact on the RAP's General Fund.

BOARD REPORT

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This Report was prepared by Iris Davis, Commission Executive Assistant I.

LIST OF ATTACHMENT(S)

- 1) Acceptance of Stop Payment Notice

STOP PAYMENT NOTICE - PUBLIC WORKS
LEGAL NOTICE TO WITHHOLD CONSTRUCTION FUNDS

(California Civil Code §§ 8044, 9350 et seq.)

TO: CONSTRUCTION LENDER
(see California Civil Code § 8006)
Department of Public Works
Bureau of Engineering
1149 S Broadway Ste 700
Los Angeles, CA 90015-2237

TO: PUBLIC ENTITY
(see California Civil Code §§ 8036)
City of Los Angeles
Department of Recreation & Parks
Po Box 86328
Los Angeles, CA 90086-0328

BOARD OF RECREATION
AND PARK COMMISSIONERS
2016 APR 19 AM 10:28

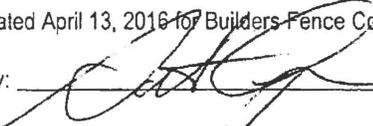
TO: DIRECT CONTRACTOR
(see California Civil Code § 8018)
California Landscape & Design
273 N Benson Ave
Upland, CA 91786-5614

FROM: STOP PAYMENT NOTICE CLAIMANT
Builders Fence Company, Inc.
P.O. Box 125
Sun Valley, CA 91352

Please take notice that Builders Fence Company, Inc., P.O. Box 125, Sun Valley, CA 91352, Phone: (818) 768-5500, Fax: (818) 768-9454 has furnished or has agreed to furnish the following kind of materials, labor, services or equipment: Fencing Materials. The person to or for whom the same was done or furnished is: Quality Fence Company, 14929 Garfield Ave, Paramount, CA 90723-3414, Phone: (323) 858-8585, Fax: (562) 869-7804, which was performed in connection with the public work of improvement commonly known as the S. Park Rec /14453, 345 E 51st St, Los Angeles, CA 90011-4503 in the County of Los Angeles. The Public Entity of the above-described work of improvement is City of Los Angeles, Department of Recreation & Parks, Po Box 86328, Los Angeles, CA 90086-0328. The value of all labor, services, equipment and materials already done or furnished by Claimant is \$47,758.54. The value of all labor, services, equipment and materials agreed to be done or furnished by Claimant is \$47,758.54. The Claimant has been paid the sum of \$43,632.38 and there remains due and unpaid the sum of \$3,826.16 plus service charges or interest thereon at the rate of 1.50% per annum.

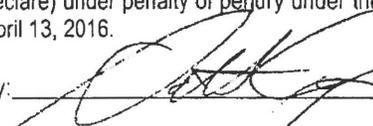
UNDER CALIFORNIA CIVIL CODE § 9358 YOU ARE REQUIRED TO SET ASIDE SUFFICIENT FUNDS TO SATISFY THIS CLAIM WITH INTEREST, COURT COSTS AND REASONABLE COSTS OF LITIGATION, AS PROVIDED BY LAW. YOU ARE ALSO NOTIFIED THAT CLAIMANT CLAIMS AN EQUITABLE LIEN AGAINST ANY CONSTRUCTION FUNDS FOR THIS PROJECT WHICH ARE IN YOUR HANDS.

Dated April 13, 2016 for Builders Fence Company, Inc., P.O. Box 125, Sun Valley, CA 91352, Phone: (818) 768-5500, Fax: (818) 768-9454.

By:  Salvator Campisi, Credit Manager

VERIFICATION

I, the undersigned state, I am the Credit Manager of the claimant named in the foregoing Stop Payment Notice - Public Works; I have read said claim of Stop Payment Notice - Public Works and know the contents thereof; and certify that the same is true of my own knowledge. I certify (or declare) under penalty of perjury under the laws of the State Of California that the foregoing is true and correct. Executed at Sun Valley, CA on April 13, 2016.

By:  Salvator Campisi, Credit Manager

PROOF OF SERVICE DECLARATION
(CALIFORNIA CIVIL CODE § 8100-8118)

I, , declare that I served copies of the above STOP PAYMENT NOTICE - PUBLIC WORKS, (check appropriate box):

- By personally delivering copies to _____ (names(s) and title(s) of person served) at _____ (address), on _____ (date), at _____ (time).
- By Registered or Certified Mail, Express Mail or Overnight Delivery by an express service carrier, addressed to each of the parties at the address shown above on April 13, 2016.
- By leaving the notice and mailing a copy in the manner provided in § 415.20 of the California Code of Civil Procedure for service of Summons and Complaint in a Civil Action.

I certify under penalty of perjury that the foregoing is true and correct. Signed at SUN VALLEY, CA on April 13, 2016.

By: 