

APPROVED
NOV 07 2018

BOARD REPORT

BOARD OF RECREATION
AND PARK COMMISSIONERS

NO. 18-238

DATE November 7, 2018

C.D. 1

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: LINCOLN PARK RECREATION CENTER – POOL AND BATHHOUSE REPLACEMENT PROJECT (PRJ1504P) (W.O #E1907715) – ACCEPTANCE OF RELEASE OF STOP NOTICE BOND ON CONSTRUCTION CONTRACT NO. 3555

AP Diaz

V. Israel

for *R. Barajas

DP

S. Piña-Cortez

H. Fujita

N. Williams

General Manager

Approved X

Disapproved _____

Withdrawn _____

RECOMMENDATIONS

1. Accept the Release of Stop Notice Bond, filed by G2K Construction, Inc., general contractor for the Lincoln Park Recreation Center (PRJ1504P) (W.O. # E1907715) project; and,
2. Direct the Board of Recreation and Park Commissioners (Board) Secretary to notify the contractor, surety, and other appropriate parties that the Release of Stop Notice Bond was accepted.

SUMMARY

BOND TO RELEASE MONEY WITHHELD ON STOP PAYMENT NOTICE

On October 30, 2018, the Department of Recreation and Parks (RAP) received the following Bond to Release Money Withheld on Stop Payment Notice filed by G2K Construction, Inc. (Bond), which will pay amounts recovered by the Claimant under the claim specified in its Stop Payment Notice:

Contract 3555

CD 1

Lincoln Park Recreation Center (PRJ1504P)
(W.O. # E1907715)

General Contractor: G2K Construction, Inc.

Construction Status: Construction

Claimant: Flores Steel Construction, Inc.

Project Impact: none

Amount: \$161,495.66

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The Bond was filed in accordance with California Civil Code Section 9364, which states, in part, the following: “(a) A public entity may, in its discretion, permit the direct contractor to give the public entity a release bond. The bond shall be executed by an admitted surety insurer, in an amount equal to 125 percent of the claim stated in the stop payment notice, conditioned for the payment of any amount the claimant recovers in an action on the claim, together with court costs if the claimant prevails. (b) On receipt of a release bond, the public entity shall not withhold funds from the direct contractor pursuant to the stop payment notice.”

FISCAL IMPACT STATEMENT

Acceptance of the Bond to Release Money Withheld on Stop Payment Notice has no impact on the RAP's General Fund, as monies were previously appropriated for this project.

This Report was prepared by Harold Arrivillaga, Commission Executive Assistant, Board Office.

LIST OF ATTACHMENT(S)

Release of Stop Notice Bond

RELEASE OF STOP NOTICE BOND
(Public Works)

BOND NO: 0700253
\$ 2,019.00 premium is for
a term of One (1) year(s)

KNOW ALL MEN BY THESE PRESENTS:

That we, G2K Construction, Inc., as Principal,
and Allegheny Casualty Company, a corporation organized and doing business
under and by virtue of the laws of the State of New Jersey and duly licensed to conduct
a general surety business in the State of California as Surety, are held and firmly bound unto

City of Los Angeles

as Obligees, in the sum of Two Hundred One Thousand, Eight Hundred Sixty-Nine and 57/100

(\$ 201,869.57) Dollars, for which payment, well and truly to be made, we bind ourselves, our heirs,
executors and successors, jointly and severally firmly by these presents.

THE CONDITION OF THE OBLIGATION IS SUCH THAT, WHEREAS, the above named Principal has been
furnished labor and/or materials by Flores Steel Construction, Inc.

against which there is still unpaid the sum of _____
*** One Hundred Sixty-One Thousand, Four Hundred Ninety-Five and 66/100 ***

(\$ 161,495.66) Dollars, in connection with construction of Structural & Misc. Steel Fabrication and Erection
at the Lincoln Park Recreation Center, Pool & Bathhouse Replacement Project

WHEREAS, Flores Steel Construction, Inc., claimant, has filed a verified claim
and Stop Notice covering labor and/or materials, and has requested said Obligees to withhold funds and whereas said
Principal desires to have funds released, said Principal is required to file an undertaking in the sum of _____

*** Two Hundred One Thousand, Eight Hundred Sixty-Nine and 57/100 ***

(\$ 201,869.57) Dollars, being one and one quarter (1 1/4) times the amount of the said claim as required
under Section 3196, of the Civil Code of the State of California.

NOW, THEREFORE, the condition of this obligation is such, that if the Claimant in this matter shall receive
judgement in any action brought on said claim, the Principal shall pay said judgement and costs to Claimant, in
an amount not exceeding the sum specified in this undertaking, then this obligation shall be null and void, otherwise
to remain in full force and effect.

IN WITNESS WHEREOF, the seal and signature of said Principal is hereto affixed and the corporate seal and the
name of the said Surety is hereto affixed and attested by its duly authorized Attorney-in-Fact at

Glendale, California, this 26th day of October, 2018
YEAR

G2K Construction, Inc.
Principal

Allegheny Casualty Company
Surety

Emilia Levy

William Sytkin
Attorney-in-Fact

**POWER OF ATTORNEY
INTERNATIONAL FIDELITY INSURANCE COMPANY
ALLEGHENY CASUALTY COMPANY**

Bond # 0700253

One Newark Center, 20th Floor, Newark, New Jersey 07102-5207 PHONE: (973) 624-7200

KNOW ALL MEN BY THESE PRESENTS: That **INTERNATIONAL FIDELITY INSURANCE COMPANY**, a corporation organized and existing under the laws of the State of New Jersey, and **ALLEGHENY CASUALTY COMPANY** a corporation organized and existing under the laws of the State of New Jersey, having their principal office in the City of Newark, New Jersey, do hereby constitute and appoint
REBECCA HAAS-BATES, RICHARD ADAIR, OWEN M. BROWN, WILLIAM SYRKIN

Irvine, CA

their true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said **INTERNATIONAL FIDELITY INSURANCE COMPANY** and **ALLEGHENY CASUALTY COMPANY**, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by their regularly elected officers at their principal offices.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of the By-Laws of **INTERNATIONAL FIDELITY INSURANCE COMPANY** and **ALLEGHENY CASUALTY COMPANY** and is granted under and by authority of the following resolution adopted by the Board of Directors of **INTERNATIONAL FIDELITY INSURANCE COMPANY** at a meeting duly held on the 20th day of July, 2010 and by the Board of Directors of **ALLEGHENY CASUALTY COMPANY** at a meeting duly held on the 10th day of July, 2015 :

"RESOLVED, that (1) the Chief Executive Officer, President, Executive Vice President, Vice President, or Secretary of the Corporation shall have the power to appoint, and to revoke the appointments of, Attorneys-in-Fact or agents with power and authority as defined or limited in their respective powers of attorney, and to execute on behalf of the Corporation and affix the Corporation's seal thereto, bonds, undertakings, recognizances, contracts of indemnity and other written obligations in the nature thereof or related thereto; and (2) any such Officers of the Corporation may appoint and revoke the appointments of joint-control custodians, agents for acceptance of process, and Attorneys-in-fact with authority to execute waivers and consents on behalf of the Corporation; and (3) the signature of any such Officer of the Corporation and the Corporation's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seals when so used whether heretofore or hereafter, being hereby adopted by the Corporation as the original signature of such officer and the original seal of the Corporation, to be valid and binding upon the Corporation with the same force and effect as though manually affixed."

IN WITNESS WHEREOF, **INTERNATIONAL FIDELITY INSURANCE COMPANY** and
ALLEGHENY CASUALTY COMPANY have each executed and attested these presents
on this 31st day of December, 2017



STATE OF NEW JERSEY
County of Essex

George R. James

Executive Vice President (International Fidelity Insurance Company) and
Vice President (Allegheny Casualty Company)



On this 31st day of December, 2017, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of **INTERNATIONAL FIDELITY INSURANCE COMPANY** and of **ALLEGHENY CASUALTY COMPANY**; that the seals affixed to said instrument are the Corporate Seals of said Companies; that the said Corporate Seals and his signature were duly affixed by order of the Boards of Directors of said Companies.



IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.

Cathy Cruz a Notary Public of New Jersey
My Commission Expires April 16, 2019

CERTIFICATION

I, the undersigned officer of **INTERNATIONAL FIDELITY INSURANCE COMPANY** and **ALLEGHENY CASUALTY COMPANY** do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Sections of the By-Laws of said Companies as set forth in said Power of Attorney, with the originals on file in the home of said companies, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand on this day, October 26, 2018

A01115

Maria H. Branco, Assistant Secretary

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Los Angeles)

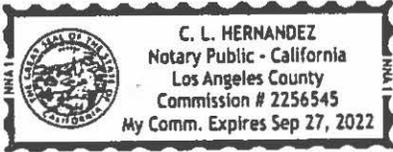
On October 26, 2018 before me, C. L. Hernandez, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared William Syrkin
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature *C. L. Hernandez*
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____
Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: William Syrkin
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: Allegheny Casualty Company

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____