

# APPROVED

JAN 16 2020

## BOARD OF RECREATION AND PARK COMMISSIONERS

BOARD REPORT

NO. 20-009

DATE January 16, 2020

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 STOP PAYMENT NOTICE ON CONSTRUCTION CONTRACT NO. 3555, FOR G2K CONSTRUCTION, INC.

AP Diaz	_____	S. Piña-Cortez	_____
H. Fujita	_____	C. Santo Domingo	<u>DP</u>
V. Israel	_____	N. Williams	_____

General Manager

Approved   X   Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

### RECOMMENDATION

Direct staff to withhold the amounts claimed in the Stop Payment Notice against G2K Construction Inc., as attached to and detailed in this Report, 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

The Department of Recreation and Parks (RAP) is in receipt of a legal notice to withhold construction funds (attached to this Report), pursuant to California Civil Code Sections 8044 on the following contract:

Contract 3555      CD 1

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

General Contractor:	G2K Construction, Inc.
Claimant:	CIMCO Air Conditioning & Sheet Metal, Inc.
Amount:	\$27,126.60

### FISCAL IMPACT

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

BOARD REPORT

PG. 2 NO. 20-009

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

ATTACHMENT

Stop Payment Notice



(562) 944-9991 • FAX (562) 946-5284

13063 PARK STREET, SANTA FE SPRINGS, CA 90670-4031

December 18, 2019

CERTIFIED MAIL  
7014 2870 0001 3283 4839

CITY OF LOS ANGELES  
BOARD OF RECREATION &  
PARK COMMISSIONERS  
221 N. Figueroa Street, Suite 300  
Los Angeles, CA 90012

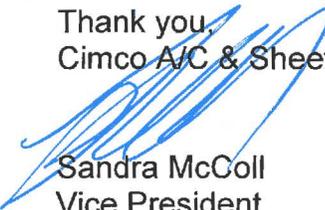
RE: Lincoln Park Recreation Center Pool & Bathhouse Replacement  
Work Order # E1907715

Dear Gentleperson,

Attached is our Stop Notice on the Lincoln Park Recreation Center Pool & Bathhouse Replacement Project. Please withhold sufficient funds to satisfy our claim of \$27,126.60.

If you should have any questions or concerns, please contact me at 562/944-9991, Ext. 0.

Thank you,  
Cimco A/C & Sheet Metal, Inc.



Sandra McColl  
Vice President

cc: G2K Construction, Inc.  
Millennium Corporate Solutions

Encl.

# STOP PAYMENT NOTICE

## LEGAL NOTICE TO WITHHOLD CONSTRUCTION FUNDS (Public or Private Work of Improvement) (Per California Civil Code Section 8520, 8530 & 9350)

**To:** CITY OF LOS ANGELES, BOARD OF RECREATION & PARK COMMISSIONERS  
(Name of owner, public entity or construction lender)  
221 N. FIGUEROA STREET, SUITE 300  
(Address, if directed to a bank use address of branch holding fund)  
LOS ANGELES, CA 90012  
(if directed to public entity, to the department or officer whose duty it is to make payments)

**Project:** LINCOLN PARK RECREATION CENTER POOL & BATHHOUSE  
(Name)  
3501 VALLEY BLVD.  
(Street Address or Legal Description)  
LOS ANGELES, CA 90032

Name and address of the Project Owner (or reputed owner): CITY OF LOS ANGELES, BOARD OF RECREATION & PARK COMMISSIONERS  
221 N. FIGUEROA ST., SUITE 300, LOS ANGELES, CA 90012  
Name and address of the Direct Contractor: G2K CONSTRUCTION, INC.  
28348 ROADSIDE DRIVE, #205, AGOURA HILLS, CA 91301  
Name and address of the Construction Lender (if any): NONE

**TAKE NOTICE THAT** CIMCO AIR CONDITIONING & SHEET METAL, INC. (Claimant)  
(Legal name of the person or firm claiming the stop payment notice)  
whose address is 13063 PARK STREET, SANTA FE SPRINGS, CA 90670  
(Address of person or firm claiming stop notice)

has performed labor and furnished materials for a work of improvement described above as Project. The relationship of the Claimant to the other parties is: SUB CONTRACTOR

The work furnished by claimant is: SHEET METAL FLASHING & TRIM, LOUVERS, CORUGATED PANELS & PERFORATED PANELS  
(generally describe labor, service, equipment, or material furnished or agreed to be furnished by claimant)

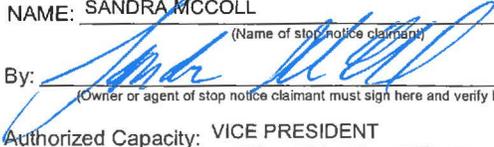
The labor and materials were furnished at the request of the following party: G2K CONSTRUCTION, INC.  
28348 ROADSIDE DRIVE, #205, AGOURA HILLS, CA 91301

Total value of the whole amount of labor and materials agreed to be furnished is ..... \$ 339,164.52  
The value of the labor and materials furnished to date is: ..... \$ 339,164.52  
Claimant has been paid the sum of: ..... \$ 312,037.93  
and there is due, owing and unpaid the sum of: ..... \$ 27,126.60

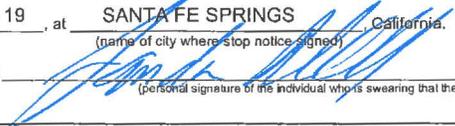
You are required to set aside sufficient funds to satisfy this claim as provided by law. You are also notified that claimant claims an equitable lien against any construction funds for this project which are in your hands.

Dated DECEMBER 18, 2019

NAME: SANDRA MCCOLL  
(Name of stop notice claimant)

By:   
(Owner or agent of stop notice claimant must sign here and verify below)

Authorized Capacity: VICE PRESIDENT

<b>VERIFICATION</b> VICE PRESIDENT	
I, the undersigned, state: I am the _____ of the claimant named in the <small>(Title - "President", "Partner", "Owner", "Agent", etc.)</small>	
foregoing Stop Notice; I have read said Stop Notice and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.	
Executed on DECEMBER 18TH, 2019, at SANTA FE SPRINGS, California. <small>(Date this document was signed)</small>	<small>(name of city where stop notice signed)</small>
By:  <small>(personal signature of the individual who is swearing that the contents of the stop notice are true)</small>	

**REQUEST FOR NOTICE OF ELECTION**  
(Private Works Only)  
(Per California Civil Code Section 8536 & 8538)

If an election is made not to withhold funds pursuant to this stop notice by reason of a payment bond having been recorded, **please send notice** of such election and a copy of the bond within 30 days of such election in the enclosed preaddressed stamped envelope. This information must be provided by you under Civil Code Sections 8536 & 8538.

Signed: \_\_\_\_\_  
(Claimant must enclose self-addressed stamped envelope)

**PROOF OF NOTICE DECLARATION**  
(Per California Civil Code Section 8118)

I, SANDRA MCCOLL, declare that I served a copy of the Stop Payment Notice on the party at the address and on the date shown below:

**To Construction Lender/Owner/Public Entity/Or Other Person Holding Construction Funds:**

(name) CITY OF LOS ANGELES, BOARD OF RECREATION & PARK COMMISSIONIERS

(title or capacity of individual given notice) PUBLIC BODY

(address) 221 N. FIGUEROA ST., SUITE 300, LOS ANGELES, CA 90012

(date) DECEMBER 18, 2019

Stop Payment Notice should be served at the following location:

- (a) To an owner other than a public entity, the owner's address shown on the direct contract, the building permit or a construction trust deed;
- (b) To a public entity, the office of the public entity or another address specified by the public entity in the contract or elsewhere for service of notices, papers or other documents. A Stop Payment Notice for a public works contract of the state, shall be given to the director of the department that awarded the contract; and to a public entity other than the state, to the office of the controller, auditor or other public disbursing officer whose duty it is to make payment pursuant to the contract (see Civil Code §9354 for more information).
- (c) To a direct contractor, at the contractor's address shown on the building permit, on the direct contract, or on the records of the Contractors' State License Board.

In the following manner (check appropriate box):

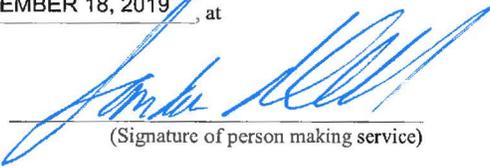
By personal delivery

By Registered or Certified Mail (postage prepaid)

Express mail

Overnight delivery by \_\_\_\_\_, an express service carrier

I declare under penalty of perjury, that the foregoing is true and correct. Executed on DECEMBER 18, 2019, at SANTA FE SPRINGS, California.

  
(Signature of person making service)

**CLAIM AGAINST PAYMENT BOND**

OWNER OR PUBLIC AGENCY

CITY OF LOS ANGELES, BOARD OF  
RECREATION & PARK COMMISSIONERS  
221 N. FIGUEROA ST., SUITE 300  
LOS ANGELES, CA 90012

GENERAL OR PRIME CONTRACTOR

G2K CONSTRUCTION, INC.  
28348 ROADSIDE DRIVE, SUITE 205  
AGOURA HILLS, CA 91301

BOND OR LIEN CLAIMANT

CIMCO A/C & SHEET METAL, INC.  
13063 PARK ST  
SANTA FE SPRINGS, CA 90670

LENDER, SURETY OR BOND COMPANY

MILLENNIUM CORPORATE SOLUTIONS  
550 N. BRAND BLVD., SUITE 1100  
GLENDALE, CA 91305  
BOND NO. 0704596

TO ALL BONDING COMPANIES, SURETIES, PRINCIPAL CONTRACTORS AND OWNERS OF THIS PROJECT.

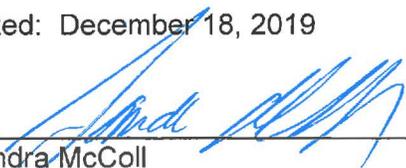
Notice is hereby given that we are the claimant furnishing labor, services, equipment or materials of the type described on the enclosed lien claim for the work of improvement known as LINCOLN PARK RECREATION CENTER POOL & BATHHOUSE REPLACEMENT project, located at 3501 VALLEY BLVD., LOS ANGELES, CA 90032, for which you are one of the known lenders, bonding companies of sureties.

Such labor, services, equipment or materials were contracted for by G2K CONSTRUCTION, INC., 28348 ROADSIDE DRIVE, #205, AGOURA HILLS, CA 91301, who is one of the contractors or the General Contractor of this job.

There is due to Cimco A/C & Sheet Metal, Inc. the sum of \$27,126.60, which has not been paid. This is to notify you that in the event payment is not made in full to our company suit will be bought against the sureties of this project for recovery of said sum.

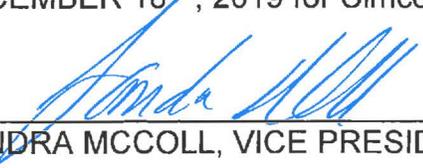
Please acknowledge receipt of our claim and advise us how soon it will be paid in full. If you have any questions, please feel free to call me as soon as possible.

Dated: December 18, 2019

By:   
Sandra McColl  
Cimco A/C & Sheet Metal, Inc.  
562/944-9991 Fax: 562/946-5284

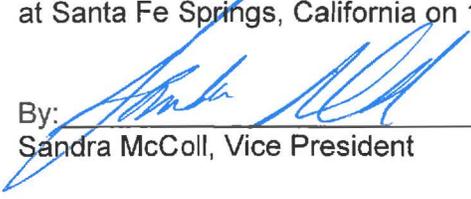
**VERIFICATION**

I declare that I am authorized to file this claim on behalf of the claimant. I have read the foregoing document and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury that the foregoing is true and correct. Executed at Santa Fe Springs, California on DECEMBER 18<sup>TH</sup>, 2019 for Cimco A/C & Sheet Metal, Inc.

By:   
SANDRA MCCOLL, VICE PRESIDENT

**AFFIDAVIT OF SERVICE BY MAIL**

I declare that I served a copy of the above document, and any related documents, by (as required by law) first class, certified or registered mail, postage prepaid, addressed to the above named parties, at the address listed above, on 9/18/2018. I declare under penalty of perjury that the foregoing is true and correct. Executed at Santa Fe Springs, California on 12/18/2019.

By: 

\_\_\_\_\_  
Sandra McColl, Vice President