

**APPROVED**  
07-13-2016  
BOARD OF RECREATION  
& PARK COMMISSIONERS

**BOARD REPORT**

NO. 16-160


DATE July 13, 2016

C.D. 15

**BOARD OF RECREATION AND PARK COMMISSIONERS**

SUBJECT: GAFFEY STREET POOL — POOL AND NEW BATHHOUSE RESTORATION (PRJ20726) (W.O. #E1907453F) PROJECT — ACCEPTANCE OF STOP PAYMENT NOTICES AND RELEASE OF STOP PAYMENT NOTICES ON CONSTRUCTION CONTRACT NO. 3514

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

  
\_\_\_\_\_  
General Manager

Approved ✓ Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

RECOMMENDATIONS

1. Direct Department of Recreation and Parks (RAP) staff to withhold the amounts claimed in the following Stop Payment Notices, 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; and,
2. Accept the Release of Stop Payment Notices.

STOP PAYMENT NOTICES

RAP is in receipt of three legal notices to withhold construction funds, pursuant to California Civil Code Sections 8044, 8100 et seq., 8500 et seq., 9350 et seq. on the following contract:

<u>Contract 3514</u>	CD 15		
Gaffey Street Pool — Pool And New Bathhouse Restoration (PRJ20726) (W.O. #E1907453F)	General Contractor:	AWI Builders, Inc.	
Construction Status: 61% Complete	Claimant:	DD Reinforcing	
Project Impact: none	Amount:	\$92,062.40 (Attachment 1)	

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Claimant: Adkison Engineers, Inc.  
dba Adkan Engineers  
Amount: \$8,865.00  
(Attachment 2)

Claimant: Rodriguez Bros  
Engineering, Inc.  
Amount: \$10,518.33  
(Attachment 3)

RELEASE OF STOP PAYMENT NOTICES:

RAP is in receipt of a Release of Stop Notice Bond filed by the General Contractor below, which releases the Board from any and all liability for withholding funds from the general contractors or the sureties:

Contract 3514 CD 15

Gaffey Street Pool — Pool And New Bathhouse Restoration (PRJ20726) (W.O. #E1907453F)	General Contractor:	AWI Builders, Inc.
Construction Status: 61% Complete	Claimant:	DD Reinforcing
Project Impact: none	Amount:	\$92,062.40 (Attachment 4)

RAP is in receipt of Release of Stop Payment Notice filed by the claimant below, which releases the Board from any and all liability for withholding funds from the general contractors or the sureties:

Contract 3514 CD 15

Gaffey Street Pool — Pool And New Bathhouse Restoration (PRJ20726) (W.O. #E1907453F)	General Contractor:	AWI Builders, Inc.
Construction Status: 61% Complete	Claimant:	Adkison Engineers, Inc. dba Adkan Engineers
Project Impact: none	Amount:	\$8,865.00 (Attachment 5)

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FISCAL IMPACT STATEMENT:

Acceptance of the Stop Payment Notices, the Release of Stop Notice Bond, and the Release of Stop Payment Notice has no impact on RAP's General Fund.

This Report was prepared by Paul Liles, Administrative Clerk.

LIST OF ATTACHMENTS

- 1) Stop Payment Notice filed by DD Reinforcing
- 2) Stop Payment Notice filed by Adkison Engineers, Inc. dba Adkan Engineers
- 3) Stop Payment Notice filed by Rodriguez Bros Engineering, Inc.
- 4) Release of Stop Notice Bond filed by AWI Builders, Inc.
- 5) Release of Stop Payment Notice filed by Adkison Engineers, Inc. dba Adkan Engineers

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# Stop Notice

CALIFORNIA CIVIL CODE SECTION 3103

NOTICE TO: City of Los Angeles Board of Recreation and Parks 221 North Figueroa Street, Suite 1510, LA, California, 90012

(If Private Job - file with responsible officer or person at office or branch of construction lender administering the construction funds or with the owner - CIVIL CODE SECTIONS 3156 - 3175)

(If Public Job - file with office of controller, auditor, or other public disbursing officer whose duty it is to make payments under provisions of the contract - CIVIL CODE SECTIONS 3179 - 3214)

Prime Contractor: AWI Builders 7831 Paramount Blvd. Pico Rivera CA 90660

Sub Contractor: (If Any): \_\_\_\_\_

Owner or Public Body City of Los Angeles Board of Recreation and Parks

Improvement known as Gaffey Street Pool (Pool and New Bathhouse) Restoration Project

County of Los Angeles, State of California.

DD Reinforcing PO Box 5026 Crestline, CA 92325 (909)226-3331 Claimant, a Sole Proprietorship

furnished certain labor, service, equipment or materials used in the above described work of improvement. The name of the person or company by whom claimant was employed or to whom claimant furnished labor, service, equipment, or materials is AWI Builders 7831 Paramount Blvd. Pico Rivera CA 90660

The kind of labor, service, equipment, or materials furnished or agreed to be furnished by claimant was:

Install reinforcing steel on a hourly basis

Total value of labor, service, equipment, or materials agreed to be furnished.....	\$ per hour basis
Total value of labor, service, equipment, or materials actually furnished is.....	\$ 92,062.40
Credit for materials returned, if any.....	\$ 0.00
Amount paid on account, if any.....	\$ 0.00
Amount due after deducting all just credits and offsets.....	\$ 92,062.40

**YOU ARE HEREBY NOTIFIED** to withhold sufficient monies held by you on the above described project to satisfy claimant's demand in the amount of \$ 92,062.40 and in addition thereto sums sufficient to cover interest, court costs and reasonable costs of litigation, as provided by law.

A bond (CIVIL CODE SECTION 3083) \_\_\_\_\_ attached. (Bond required with Stop Notice served on construction lender on private jobs - bond not required on public jobs or on Stop Notice served on owner on private jobs).

Date: April 20, 2016 Name of Claimant: DD Reinforcing

By:   
Dan DeWeese / Owner

### VERIFICATION

I, the undersigned, state: I am the Owner of the claimant named in the foregoing Stop Notice; I have read said claim of Stop Notice and know the contents thereof, and I 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 on April 20, 2016 at Crestline, State of California.  


### REQUEST FOR NOTICE OF ELECTION (Private Works Only)

If an election is made not to withhold funds pursuant to this Stop Notice by reason of a payment bond having been recorded in accordance with Sections 3235 or 3162, please send notice of such election and a copy of the bond within 30 days of such election in the enclosed preaddressed stamped envelope to the address of the claimant shown above. This information must be provided by you under Civil Code Sections 3159, 3161 or 3162.

Signed: \_\_\_\_\_

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BOARD OF RECREATION AND PARK COMMISSIONERS

2016 APR 25 AM 8:42

STOP NOTICE

LEGAL NOTICE TO WITHHOLD CONSTRUCTION FUNDS

(Public or Private Work)

(Per California Civil Code Section 3103)

To: CITY OF LOS ANGELES - Board of Recreation & Park Commissioners
221 North Figueroa, Suite #1510
Los Angeles CA 90012

Project: Gaffey Street Pool and Bath House
3351 South Gaffey Street
Project# E1907453
San Pedro CA 90731
ADKAN JOB # 8844

TAKE NOTICE THAT Adkison Engineers, Inc. dba Adkan Engineers

whose address is 6879 Airport Drive, Riverside, CA 92504

has performed labor and furnished materials for a work of improvement described as follows: Surveying

The labor and materials furnished by claimant are of the following general kind: Civil Engineering/Land Surveying Services

The labor and materials were furnished to the following party: AWI Builders, Inc.
1027 Sherlock Drive, Burbank CA 91501

Table with 2 columns: Description of labor/materials and Amount. Rows include total value (\$38,750.00), value furnished to date (\$36,515.00), sum paid (\$27,650.00), and sum due (\$8,865.00).

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 and equitable lien against any construction funds for this project which are in your hands.

FIRM NAME: Adkison Engineers, Inc. dba Adkan Engineers
By: E Adkison, President

VERIFICATION

I, the undersigned, say: I am the President

the claimant named in the 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 April 19, 2016, at Riverside, California

Handwritten signature of Ed Adkison, President

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**PUBLIC WORK STOP PAYMENT NOTICE**  
**LEGAL NOTICE TO WITHHOLD CONSTRUCTION FUNDS**  
**AND**  
**REQUEST FOR NOTICE OF FILING OF NOTICE OF**  
**ACCEPTANCE, COMPLETION OR CESSATION**  
**CIVIL CODE §8044, 8520, 8530, & 9350 et seq.**

ARROYO RECORDS  
SAN PEDRO COMMISSION  
2016 JUN 20 PM 1:18

TO: City of Los Angeles Dept. of Rec & Parks Commission Offc./Attn: Armando Bencomo  
221 West Figueroa Street, #300  
Los Angeles, CA 90012

PROJECT: Gaffey Street Pool Restoration  
3351 South Gaffey Street  
San Pedro, CA

TAKE NOTICE THAT Rodriguez Bros Engineering, Inc. whose address is 2023 South Bon View Avenue, #H, Ontario, CA 91761 has performed labor and/or furnished materials for a work of improvement described as follows: Gaffey Street Pool Restoration, 3351 South Gaffey Street, San Pedro, CA.

The labor and/or materials furnished by claimant are of the following general kind: Underground site utilities. Direct contractor is AWI Builders, Inc., 7831 Paramount Boulevard, Pico Rivera, CA 90660.

The labor and/or materials were furnished to or for the following party: AWI Builders, Inc., 7831 Paramount Boulevard, Pico Rivera, CA 90660. The relationship of the Claimant to the other parties is: Subcontractor.

The value of the whole amount of labor and/or materials agreed to be furnished is \$10,518.33. The value of the labor and/or materials furnished to date is \$10,518.33. Claimant has been paid the sum of \$0.00, and there is due, owing and unpaid the sum of \$10,518.33 together with interest at the rate of 2.00 percent per month from April 1, 2016.

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.

You are also required to give Notice of Acceptance, Completion or Cessation to the undersigned as required by Civil Code §9362. Attached hereto is the \$10.00 fee as required by Civil Code §9362.

Firm Name: Rodriguez Bros Engineering, Inc.

By:   
Naomi Pele / Authorized Agent

**VERIFICATION**

I, the undersigned, say: I am the Authorized Agent of the claimant of the foregoing Stop Payment Notice; I have read said Stop Payment Notice 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 on June 16, 2016, at San Diego, California.

  
Naomi Pele / Authorized Agent

ONE ORIGINAL COPY

RELEASE OF STOP NOTICE BOND  
(Public Works)

BOND NO: 1020419  
\$ 2,301.56 premium is for  
a term of ONE (1) year(s)

KNOW ALL MEN BY THESE PRESENTS:

That we, AWI BUILDERS, INC., as Principal,  
and THE HANOVER INSURANCE COMPANY, a corporation organized and doing business  
under and by virtue of the laws of the State of NEW HAMPSHIRE 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 BOARD OF RECREATION AND PARKS

as Obligee, in the sum of ONE HUNDRED FIFTEEN THOUSAND SEVENTY EIGHT NO/100

(\$ 115,078.00) 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 DD REINFORCING

against which there is still unpaid the sum of NINETY TWO THOUSAND SIXTY TWO 40/100

(\$ 92,062.40) Dollars, in connection with construction of GAFFEY STREET POOL  
(POOL AND NEW BATHHOUSE) RESTORATION PROJECT

WHEREAS, DD REINFORCING, claimant, has filed a verified claim  
and Stop Notice covering labor and/or materials, and has requested said Obligee to withhold funds and whereas said

Principal desires to have funds released, said Principal is required to file an undertaking in the sum of ONE HUNDRED FIFTEEN THOUSAND SEVENTY EIGHT NO/100

(\$ 115,078.00) Dollars, being one and one quarter (1 1/4) times the amount of the said claim as required  
under Section 9364, 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

COVINA, California, this 29TH day of JUNE, 2016

AWI BUILDERS, INC.  
Principal

THE HANOVER INSURANCE COMPANY  
Surety

By: \_\_\_\_\_

By: PHILIP E. VEGA  Attorney-in-Fact

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BOARD OF RECREATION  
AND PARK COMMISSIONER  
2016 MAY 31 AM 9:10

AWI Construction, Inc.

RELEASE OF STOP NOTICE OR NOTICE TO WITHHOLD

FOR GOOD AND VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, the undersigned does hereby release from the effect of that certain Stop Notice or Notice to Withhold filed in the office of CITY OF LOS ANGELES BOARD OF RECREATION AND PARKS on April 19, 2016, against AWI Builders, Inc. as General Contractor, on job known as GAFFEY STREET POOL AND NEW BATH HOUSE in the amount of \$8,865.00.

Firm: Adkison Engineers, Inc. dba Adkan Engineers

By:   
Ed Adkison, President

Dated: 5/25/16

\*\*\*\*\* This release must be notarized\*\*\*\*\*