



**BOARD REPORT**

NO. 16-201

DATE September 21, 2016

C.D. 3

**BOARD OF RECREATION AND PARK COMMISSIONERS**

SUBJECT: WOODLAND HILLS RECREATION CENTER – PARK RENOVATIONS (W.O. #E1907454) – ACCEPTANCE OF STOP PAYMENT NOTICE ON CONSTRUCTION CONTRACT NO. 3515

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

*Val General*  
\_\_\_\_\_  
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Approved  \_\_\_\_\_ Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_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 9350-9510 on the following contract:

<u>Contract 3515</u>	CD 3	
Woodland Hills Recreation Center – Park Renovations (W.O. #E1907454)	General Contractor:	Royal Construction Corporation
Project Status: 69% Complete	Claimant:	Thompson Construction Supply Door & Frame
Project Impact: none	Amount:	\$17,133.29

FISCAL IMPACT STATEMENT

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

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

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LIST OF ATTACHMENT(S)

- 1) Release of Stop Payment Notice

# Stop Payment Notice

CALIFORNIA CIVIL CODE SECTION 8044

BOARD OF RECREATION  
AND PARK COMMISSIONER

NOTICE TO: City of Los Angeles / Department of Recreation and Parks

(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 8500 - 8560)

(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 9350 - 9510)

Prime Contractor: Royal Construction Corporation

Sub Contractor: (If Any): Diamond Construction

Owner or Public Body: City of Los Angeles / Department of Recreation and Parks

Improvement known as Woodland Hills Recreation Center - 5858 Shoup Avenue, Woodland Hills CA 91367-4537

County of Los Angeles, State of California.

Thompson Construction Supply Door & Frame Claimant, a Material supplier

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 Diamond Construction

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

CDS Unit	
Total value of labor, service, equipment, or materials agreed to be furnished.....	\$ 20,000.00
Total value of labor, service, equipment, or materials actually furnished is.....	\$ 17,133.29
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.....	\$ 17,133.29

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 \$ 17,133.29 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 8532) #SU1127227 attached. (Bond required with Stop Payment Notice served on construction lender on private jobs - bond not required on public jobs or on Stop Payment Notice served on owner on private jobs).

Date: May 16, 2016 Name of Claimant: Thompson Construction Supply Door & Frame

By: [Signature], Credit Manager

### VERIFICATION

I, the undersigned, state: I am the Credit Manager of the claimant named in the foregoing Stop Payment Notice; I have read said claim of Stop Payment 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 May 16, 2016, at Corona, State of California.

[Signature]

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

If an election is made not to withhold funds pursuant to this Stop Payment Notice by reason of a payment bond having been recorded in accordance with Sections 8600, 8536 or 8542, 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 8538.

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