

# APPROVED

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BOARD REPORT

BOARD OF RECREATION  
AND PARK COMMISSIONERS

NO. 17-073

DATE March 15, 2017

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 NOTICE ON CONSTRUCTION CONTRACT NO. 3514 WITH AWI BUILDERS, INC.

AP Diaz

V. Israel

*for*

\*R. Barajas

*CSD*

N. Williams

H. Fujita

*M. Klein*

General Manager

Approved

Disapproved

Withdrawn

RECOMMENDATIONS

1. Direct staff to withhold the amounts claimed in the following Stop Payment Notices (Attachment 1), plus an additional sum equal to twenty-five percent (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 twenty-five percent (25%) will be withheld; and,
2. Direct the Department of Recreation and Parks' (RAP) Chief Accounting Employee to release Five Thousand, Four Hundred Fifty-Six Dollars, Thirty-Four Cents (\$5,456.34) of the amount withheld on Construction Contract No. 3514 with AWI Builders, Inc. in accordance with the Request for Release of Stop Notice dated February 24, 2017 from Foundation Building Materials, LLC., herein included as Attachment 2, for the Gaffey Street Pool — Pool and New Bathhouse Restoration (PRJ20726) (W.O. #E1907453F) Project.

BOARD REPORT

PG. 2      NO. 17-073

STOP PAYMENT NOTICE

The RAP is in receipt of a Stop Payment Notice to withhold construction funds, pursuant to California Civil Code Sections 9350 et seq. on the following contract:

Contract 3514      CD 15

Gaffey Street Pool — Pool and New Bathhouse  
Restoration (PRJ20726) (W.O. #E1907453F)  
Construction Status: Construction

General Contractor: AWI Builders, Inc.  
Claimant: Foundation Building  
Materials, LLC. - Pico  
Rivera  
Amount: \$5,456.34

Project Impact: none

RELEASE OF STOP PAYMENT NOTICE

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)  
Construction Status: Construction

General Contractor: AWI Builders, Inc.  
Claimant: Foundation Building  
Materials, LLC. - Pico  
Rivera  
Amount: \$5,456.34

Project Impact: none

FISCAL IMPACT STATEMENT

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

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

LIST OF ATTACHMENTS

- 1) Stop Payment Notice filed by Foundation Building Materials, LLC. - Pico Rivera
- 2) Release of Stop Payment Notice filed by Foundation Building Materials, LLC. - Pico Rivera

Cont 3514

Attachment 1

STOP NOTICE - PUBLIC WORKS PROJECTS  
(California Civil Code § 9350 et seq.)

BOARD OF SUPERVISION  
AND PUBLIC SAFETY  
2017 FEB 23 AM 11:02

TO THE OWNER OR REPUTED OWNER  
CITY OF LOS ANGELES  
221 N FIGUEROA ST STE 1510  
DEPT OF RECREATION AND PARKS  
LOS ANGELES, CA 90012

TO THE DIRECT OR REPUTED CONTRACTOR  
AWI BUILDERS INC.  
1027 SHERLOCK DR  
BURBANK, CA 91501  
323-589-5111

TO THE LENDER/SURETY OR REPUTED  
CONTRACTORS AND DEVELOPERS BONDING  
534 E BADILLO ST  
COVINA, CA 91723  
Bond/Loan #

TO THE CUSTOMER OR BUYER  
LEGACY INTERIOR WALL SYSTEMS  
14489 MIRADA PL.  
APPLE VALLEY, CA 92307

PLEASE TAKE NOTICE THAT Foundation Building Materials, LLC. - Pico Rivera has a claim in connection with the public work known as GAFFEY STREET POOL RESTORATION PROJECT, located at 3351 SOUTH GAFFEY ST., SAN PEDRO, CA 90731, in the County of Los Angeles. The specific contract information is for Our Job/Invoice 708162.

The claimant furnished the following kind of labor, services, equipment, materials or service charges: Drywall, stucco, tile, grid, metal framing, doors, locks and related material.. The name of the party to whom the material was furnished or supplied, or for whom the labor was done or performed, is LEGACY INTERIOR WALL SYSTEMS, 14489 MIRADA PL., APPLE VALLEY, CA 92307.

WHEREFORE, the claimant prays that the public entity, upon receipt of this Stop Payment Notice, withhold from the original contractor, or from any person acting under his authority, sufficient money due or to become due to such contractor to answer this claim stated in such stop notice and to provide for reasonable cost of any litigation thereunder.

The total value of labor, services, equipment and materials furnished by claimant or agreed to be performed was \$9,505.96. That the value of labor, service, equipment, materials and service charges so performed or furnished as of the date of this notice is \$9,505.96. That such claim has not been paid in full except that there has been paid against the balance due the sum of \$4,049.62. The unpaid balance is now \$5,456.34, including service charges or interest at the rate of 18.00% per annum.

Dated 2/17/2017 for Foundation Building Materials, LLC. - Pico Rivera, 8542 Slauson Avenue Pico Rivera, CA 90660.

By: Claudia Martinez  
Claudia Martiniez, Credit Manager, for Foundation Building Materials, LLC. - Pico Rivera

VERIFICATION

I declare that I am authorized to file this Stop Payment Notice 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 PICO RIVERA, CA on 2/17/2017 for Foundation Building Materials, LLC. - Pico Rivera.

By: Claudia Martinez  
Claudia Martiniez, Credit Manager, for Foundation Building Materials, LLC. - Pico Rivera

PROOF OF SERVICE BY MAIL AFFIDAVIT

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 addresses listed above, on 2/17/2017. I declare under penalty of perjury that the foregoing is true and correct. Executed at PICO RIVERA, CA on 2/17/2017.

By: Claudia Martinez  
Claudia Martiniez, Credit Manager, for Foundation Building Materials, LLC. - Pico Rivera

RELEASE OF STOP PAYMENT NOTICE - Public Work  
Legal Notice To Release Construction Funds  
(California Civil Code § 9350 et seq.)

TO THE OWNER OR REPUTED OWNER  
CITY OF LOS ANGELES  
221 N FIGUEROA ST STE 1510  
DEPT OF RECREATION AND PARKS  
LOS ANGELES, CA 90012

TO THE DIRECT OR REPUTED CONTRACTOR  
AWI BUILDERS INC.  
1027 SHERLOCK DR  
BURBANK, CA 91501  
323-589-5111

TO THE LENDER/SURETY OR REPUTED  
CONTRACTORS AND DEVELOPERS BONDING  
534 E BADILLO ST  
COVINA , CA 91723  
Bond/Loan #

TO THE CUSTOMER OR BUYER  
LEGACY INTERIOR WALL SYSTEMS  
14489 MIRADA PL.  
APPLE VALLEY, CA 92307

The undersigned hereby withdraws and releases the Stop Payment Notice filed on 2/17/17 with the following owner(s) or reputed owner(s): CITY OF LOS ANGELES , 221 N FIGUEROA ST STE 1510, DEPT OF RECREATION AND PARKS , LOS ANGELES, CA 90012 for claims against LEGACY INTERIOR WALL SYSTEMS, 14489 MIRADA PL., APPLE VALLEY, CA 92307.

The claimant has been PAID IN FULL for labor, services, equipment, materials or service charges performed or furnished for the performance or construction of the public work commonly known as GAFFEY STREET POOL RESTORATION PROJECT, located at 3351 SOUTH GAFFEY ST., SAN PEDRO, CA 90731, in the County of Los Angeles.

The specific contract information is for Our Job/Invoice 708162.

The undersigned also hereby releases from the above said public entity, and its subdivisions and agents, any further duty under the laws of this State to withhold money or bonds in response to the Stop Payment Notice, and waives any right of action against them that might accrue thereunder.

Dated 2/24/2017 for Foundation Building Materials, LLC. - Pico Rivera, 8542 Slauson Avenue Pico Rivera, CA 90660.

By: Claudia Martinez  
Claudia Martinez, Credit Manager, for Foundation Building Materials, LLC. - Pico Rivera

VERIFICATION

I declare that I am authorized to file this Release of Stop Payment Notice 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 Pico Rivera, CA on 2/24/2017 for Foundation Building Materials, LLC. - Pico Rivera.

By: Claudia Martinez  
Claudia Martinez, Credit Manager, for Foundation Building Materials, LLC. - Pico Rivera