

APPROVED

OCT 04 2017

BOARD OF RECREATION AND PARK COMMISSIONERS

BOARD REPORT

NO. 17-210

DATE October 4, 2017

C.D. 15

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: GAFFEY STREET POOL – POOL AND NEW BATHHOUSE RESTORATION (PRJ20726)(W.O. #E1907453F) – ACCEPTANCE OF STOP PAYMENT NOTICES ON CONSTRUCTION CONTRACT WITH AWI BUILDERS, INC., NO. 3514

AP Diaz	_____	V. Israel	_____
<i>for</i> R. Barajas	<u>CSD</u>	S. Piña-Cortez	_____
H. Fujita	_____	N. Williams	_____

M. D. Williams
General Manager

Approved ✓ Disapproved _____ Withdrawn _____

RECOMMENDATION

Direct Department of Recreation and Parks (RAP) staff to withhold the amount 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 claim 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 8520, 8530 & 9350 on the following contract:

Contract 3514 CD 15

Gaffey Street Pool – Pool And New Bathhouse Restoration (PRJ20726)(W.O. #E1907453F)
Project Status: Construction
Project Impact: None

General Contractor: AWI Builders, Inc.
Claimant: Shell Electric, Inc.
Amount: \$185,477.70

BOARD REPORT

PG. 2 NO. 17-210

RAP is in receipt of a legal notice to withhold construction funds, pursuant to California Civil Code Sections 8044 on the following contract:

Contract 3514 CD 15

Gaffey Street Pool – Pool And New Bathhouse Restoration (PRJ20726)(W.O. #E1907453F)	General Contractor:	AWI Builders,, Inc.
Project Status: Construction	Claimant:	Robertson's
Project Impact: None	Amount:	\$8,696.73

FISCAL IMPACT STATEMENT

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

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

LIST OF ATTACHMENT(S)

- 1) Attachment 1 - Stop Payment Notice from Shell Electric, Inc.
- 2) Attachment 2 - Stop Payment Notice from Robertson's

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
(Name of owner, public entity or construction lender)
221 N. Figueroa St., Ste. 1510
(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: Gaffey Street Pool
(Name)
Restoration Project.
(Street Address or Legal Description)
3351 S. Gaffey St.
San Pedro, CA 90731

Name and address of the Project Owner (or reputed owner): City of Los Angeles, Department of Public Works
1119 S. Broadway, Suite 890, LA, CA 90015

Name and address of the Direct Contractor: AKI Builders Inc. 1027 Sherlock Dr.
Burbank, CA 90660

Name and address of the Construction Lender (if any): Contractors & Developers Bonding Co.
Bonding company
534 East Basille St. Covina, CA 91723

TAKE NOTICE THAT Shell Electric, Inc. (Claimant)

whose address is 8905 Glenoaks Blvd, Unit D, Sun Valley, CA 91352
(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: Electric Sub Contractor

The work furnished by claimant is: All labor, material, equipment to perform electrical scope of work
(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: AKI Builders, Inc.

Total value of the whole amount of labor and materials agreed to be furnished is \$ 513,500.00
The value of the labor and materials furnished to date is: \$ 701,821.58
Claimant has been paid the sum of: \$ 516,343.88
and there is due, owing and unpaid the sum of: \$ 185,477.70

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 8/7/17

NAME: Arnold Tadewosian
(Name of stop notice claimant)

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

Authorized Capacity: President

VERIFICATION

I, the undersigned, state: I am the President of 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 8/7/17, 2017, at Sun Valley, California.
(Date this document was signed) (name of city where stop notice signed)

By: Arnold Tadewosian [Signature]
(personal signature of the individual who is swearing that the contents of the stop notice are true)

BOARD OF RECREATION AND PARK COMMISSION

STOP PAYMENT NOTICE
(California Civil Code Section 8044)

51113/140826
POOL & BATH HOUSE
Attachment 2

NOTICE TO: CITY OF LOS ANGELES
221 NORTH FIGUEROA ST #15 LOS ANGELES

(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)

Direct Contractor: AWI BUILDERS INC
Sub Contractor (If Any): AWI BUILDERS INC
Owner or Public Body: CITY OF LOS ANGELES
Improvement known as: 3351 S GAFFEY ST
County of LOS ANGELES State of California.

2017 AUG 31 AM 8:11
CLERK OF SUPERIOR COURT
COUNTY OF LOS ANGELES

Robertson's, Claimant, a Partnership, furnished certain labor service equipment, or materials used in the above described work of improvement. The name of the person or company to whom claimant furnished service, equipment, or materials is: AWI BUILDERS INC

The kind of materials furnished or agreed to be furnished by claimant was ready mix concrete, rock and/or sand materials.

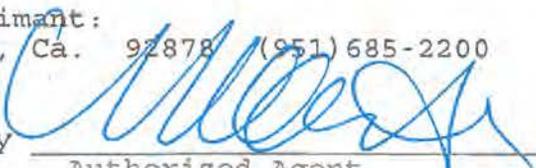
Total value of labor,service,materials to be furnished.....\$	8,696.73
Total value of labor,service,materials actually furnished..\$	8,696.73
Credit for materials returned, if any.....\$	0.00
Amount paid on account, if any.....\$	0.00
Amount due after deducting all just credits and offsets....\$	8,696.73

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 \$ 8,696.73 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) is/is not attached. (Bond required with Stop Payment Notice served on construction lenders on private jobs-bond not required on public jobs or on Stop Payment Notice served on owner on private job).

Name and address of Claimant:
ROBERTSON'S, P.O. Box 3600, Corona, Ca. 92878 (951) 685-2200

Dated: 08/22/17

By 
Authorized Agent

VERIFICATION

I, the undersigned, state: I am the agent 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 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 08/22/17 at Corona, State of California.

Signature of Claimant/Agent 