

APPROVED

OCT 02 2019

BOARD OF RECREATION AND PARK COMMISSIONERS

BOARD REPORT

NO. 19-198

DATE October 2, 2019

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

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

C. Santo Domingo

General Manager

Approved X Disapproved _____ Withdrawn _____

RECOMMENDATIONS

Direct staff to withhold the amounts claimed in the Stop Payment Notice against G2K Construction Inc., as 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 two legal notices to withhold construction funds, 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: Claimant: Amount:	G2K Construction, Inc. A-1 Fence Company \$13,448.00
Lincoln Park Recreation Center (PRJ1504P) (W.O. # E1907715)	General Contractor: Claimant: Amount:	G2K Construction, Inc. NST Plumbing & Fire Protection, Inc \$185,184.76

BOARD REPORT

PG. 2 NO. 19-198

FISCAL IMPACT

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

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

ATTACHMENT

- 1.) Stop Payment Notice – A1 Fence Company
- 2.) Stop Payment Notice – NST Plumbing & Fire Protection, Inc

Stop Payment Notice

CALIFORNIA CIVIL CODE SECTION 8044

NOTICE TO: City of Los Angeles, Board of Recreation and Parks, 221 N. Figueroa Str., Suite 300, Los Angeles, CA 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 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: G2K Construction, Inc., 28348 Roadside Dr., #205, Agoura Hills, CA 91301

Sub Contractor: (If Any): None

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

Improvement known as PRJ1504P-Lincoln Park Recreation Ctr., 3501 Valley Blvd., Los Angeles, CA 90032

County of Los Angeles, State of California.

A-1 Fence Company Claimant, a Corporation

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 G2K Construction, Inc.

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

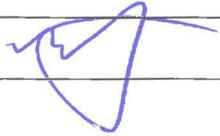
Materials and labor for installation of Ornamental Iron Fence and gates.

Total value of labor, service, equipment, or materials agreed to be furnished.....	\$ 13,448.00
Total value of labor, service, equipment, or materials actually furnished is.....	\$ 13,448.00
Credit for materials returned, if any.....	\$ 0
Amount paid on account, if any.....	\$ 0
Amount due after deducting all just credits and offsets.....	\$ 13,448.00

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 \$ 13,448.00 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 Not 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).

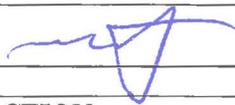
Date: 8/27/19 Name of Claimant: A-1 Fence Company

By:  

VERIFICATION

I, the undersigned, state: I am the General 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 8/27/19, at Anaheim, State of California.

RECEIVED
8/30

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: _____

STOP PAYMENT NOTICE

LEGAL NOTICE TO WITHHOLD CONSTRUCTION FUNDS
(Public or Private Work) - (Per California Civil Code Sections 8044, 8502, 9352 & 9354)

TO: City of Los Angeles Board of Recreation and Park Commissioners
(Name of owner, public body or construction fund holder)
221 N. Figueroa St., Suite 300
(Address. If directed to a bank or savings and loan assn., use address of branch holding fund)
Los Angeles, CA 90012
(City, State and Zip)

PROJECT: Lincoln Park Recreation Center Pool and Bathhouse Replacement
(Name) (PRJ1504P)
3501 Valley Blvd.
(Address)
Los Angeles, CA 90032
(City, State and Zip)

Email _____

Email _____

TAKE NOTICE THAT NST PLUMBING & FIRE PROTECTION, INC.
(Name of the person or firm claiming the Stop Payment notice. Licensed contractors MUST use the name under which contractor's license is issued)

whose address is 2617 MOUNTAIN PINE DR. LA CRESCENTA CA 91214
(Address of person or firm claiming Stop Payment notice)

has performed labor and furnished materials as the subcontractor to G2K Construction, Inc.
(Relationship of the Claimant)
for the work of improvement described as follows: Lincoln Park Recreation Center Pool and Bathhouse Replacement (PRJ1504P)
3501 Valley Blvd., Los Angeles, CA 90032
(Name and location of the project where works or materials were furnished)

The labor and materials furnished by claimant are of the following general kind plumbing & fire sprinkler
(General description of labor, services, equipment or materials agreed to be furnished)

The labor and materials furnished to or for the following party: G2K Construction, Inc., 28348 Roadside Drive, #205, Agoura Hills, CA 91301 (the Direct Contractor)
(Name of party who ordered the work or materials)

Total value of the whole amount of labor and materials agreed to be furnished is:	\$ 785,376.14
The value of labor and materials furnished to date is:	\$ 785,376.14
Claimant has been paid the sum of:	\$ 600,191.38
And there is due, owing and unpaid the sum of:	\$ 185,184.76

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.
Firm Name: NST PLUMBING & FIRE PROTECTION, INC. X Neshan Minasian *Neshan Minasian*
(Name of Stop Payment notice claimant) (Owner or agent of Stop Payment notice claimant MUST sign here and verify below)

VERIFICATION

I, the undersigned, say: I am the President the claimant name in the foregoing Stop Payment Notice;
("President of", "A Partner of", "Owner of", "Agent of", etc.)
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 under the laws of the State of California that the foregoing is true and correct.
September 10, 2019, at La Crescenta, California.
(Date this document was signed) (Name of city where Stop Payment notice was signed)
X *Neshan Minasian*
(Personal signature of the individual who is swearing that the contents of the Stop Payment Notice are true)

REQUEST FOR NOTICE OF ELECTION (Private Works Only) - (Per California Civil Code Section 8536, 8538 or 8522)
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 & 8538 please send notice of such election and a copy of the bond within 30 days of such election in the enclosed pre addressed stamped envelope. This information must be provided by you under Civil Code Sections 8536, 8538 & 8522. Claimant MUST enclose self-addressed stamped envelope.
X _____
(Claimant's Signature)

COST OF NOTIFICATION (FOR PUBLIC WORKS ONLY)

Pursuant to Civil Code section 9362, enclosed is claimant's check or money order in the amount of TEN DOLLARS (\$10.00) to cover the cost of notification of completion or cessation. You are required to notify claimant of the time within which an action to enforce payment of the claim stated in the Stop Payment Notice within ten (10) days of the completion of a public works contract, whether by acceptance or cessation or the recordation of a notice of cessation or completion.
X _____
(Claimant's Signature)

PROOF OF SERVICE AFFIDAVIT (CIVIL CODE § 8118)

I, Wendy Hernandez, declare that I served the copies of the Stop Payment Notice by:
(Name of Form)
Check appropriate box(es)
 Certified Mail, Return Receipt Requested, Postage Paid Express Mail, postage paid Registered Mail, postage paid
 Overnight Delivery By Express Service Carrier, postage Personally delivering copies
 Leaving the Notice and Mailing a Copy Per Code of Civil Procedures §415.20 for the service of a Summons and Complaint in a Civil Action
To: City of Los Angeles At: 221 N. Figueroa St., Suite 300, Los Angeles, CA 90012
(Name and Title of Person Served) (Address)
G2K Construction, Inc. 28348 Roadside Drive, #205, Agoura Hills, CA 91301
(Name and Title of Person Served) (Address)
To each of the parties at the address(es) shown above on 9/11/2019 at 11:00 a.m.
(Date) (Time)
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Signed at Encino, California on 9/11/2019 X *[Signature]*
(City) (Date) (Signature of the Person Making Service)

RECEIVED
9/18/19