REPORT OF GENERAL MANAGER

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NO. 08-320

DATE December 11, 2008

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C.D. 7 and 14

### BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: EVERGREEN RECREATION CENTER - CHILDCARE CENTER (W.O. #E170354F); BRAND PARK - COMMUNITY BUILDING (#2800N) (W.O. #E170935F) - ACCEPTANCE AND RELEASE OF STOP NOTICES ON CONSTRUCTION CONTRACTS

R. Adams	J. Kolb		
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S. Huntley	K. Regan		
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			General Manager
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Approved		Disapproved _	Withdrawn
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### RECOMMENDATION:

#### That the Board:

- 1. Accept the following Stop Notices and direct staff to withhold the amount claimed in them, 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 the contractors, sureties, and other interested parties that the amount of said claim plus 25% will be withheld; and,
- 2. Accept the following Releases of Stop Notices.

# **SUMMARY**:

## **ACCEPTANCE OF STOP NOTICES**:

The Department is in receipt of a legal notice to withhold construction funds, pursuant to California Civil Code Sections 3103 and 3181, on the following contract:

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Contract 3212 CD 7

Brand Park – Community Building General Tek-Up Construction, Inc.

(W.O. #E170935F) Contractor:

Project Status: 80% Claimant: Westland Heating & Air

Conditioning, Inc.

Project Impact: None Amount: \$61,200

Claimant: KX2 Holdings LLC dba

Climatec BTG

Amount: \$13,563

## **RELEASES OF STOP NOTICES:**

The Department is in receipt of Releases of Stop Notices filed by the claimants below, which releases the Board from any and all liability for withholding funds from the general contractor or the surety:

Contract 3212 CD 7

Brand Park - Community Building General Tek-Up Construction, Inc.

(W.O. #E170935F) Contractor:

Project Status: 80% Claimant: Westland Heating & Air

Conditioning, Inc.

Project Impact: None Amount: \$61,200

Claimant: KX2 Holdings LLC dba

Climatec BTG

Amount: \$13,563

Contract 3184 CD 14

Evergreen Recreation Center – Childcare Center General H.M.I. Construction

(W.O. #E170354F) Contractor: Service

Project Status: 97% Claimant: Ace Fence Company

Project Impact: none Amount: \$23,300

### FISCAL IMPACT STATEMENT:

The release of funds does not impact the contract amount, and therefore, approval of the releases will have no impact on the Department's General Fund.

This Board Report was prepared by LaTonya D. Dean, Commission Executive Assistant.