

APPROVED
MAY 16 2012
**BOARD OF RECREATION
& PARK COMMISSIONERS**

REPORT OF GENERAL MANAGER

NO. 12-136

DATE May 16, 2012

C.D. 10

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: LAFAYETTE PARK – RECREATION CENTER (W.O. #E170317F) PROJECT
— UNCONDITIONAL WAIVER AND RELEASE UPON FINAL PAYMENT
FOR STOP NOTICE CLAIMS ON CONSTRUCTION CONTRACT NO. 3237

R. Adams	_____	K. Regan	_____
H. Fujita	_____	*M. Shull	<u>Am f</u>
V. Israel	_____	N. Williams	_____

[Signature]
General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

That the Board accept an Unconditional Waiver and Release Upon Final Payment from Gypsum Enterprises, Inc., in connection with a Stop Notice(s) served on Western Alta Construction, Inc., for work and/or supplies related to the Lafayette Park – Recreation Center (W.O.#E170317F) project, Contract No. 3237.

SUMMARY:

On April 22, 2011, the City of Los Angeles received a Stop Notice dated April 20, 2011 filed by Gypsum Enterprises, Inc. (Gypsum) in the amount of \$66,472.78, which was accepted by the Board of Recreation and Park Commissioners (Board) on June 15, 2011 (Board Report No. 11-183), for work and/or supplies related to the Lafayette Park – Recreation Center (W.O. #E170317F) project. In December 2011, the Department of Recreation and Parks (Department) received a Release of Claims from Snipper, Wainer, & Markoff on behalf of Gypsum, which was accepted by the Board on February 1, 2012 (Board Report No. 12-026). The claim released excess funds in the amount of \$48,273.62 from the original stop notice claim. The remaining funds, in the amount of \$18,199.16, continued to be withheld, plus an additional sum equal to 25% thereof, to defray any costs of litigation in the event of court action.

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On April 9, 2012, the Department received an Unconditional Waiver and Release Upon Final Payment executed by Gypsum which releases the remaining funds in the amount of \$18,199.16 from being withheld from the contractor, Western Alta Construction, Inc.

FISCAL IMPACT STATEMENT:

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

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