

APPROVED

FEB 20 2019

BOARD OF RECREATION AND PARK COMMISSIONERS

BOARD REPORT

NO. 19-041

DATE February 20, 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, INC.

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



 General Manager

Approved X Disapproved _____ Withdrawn _____

RECOMMENDATION

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 a legal notice to withhold construction funds, pursuant to California Civil Code Sections 8044 and 9350 on the following contract:

Contract 3555 CD 1

Lincoln Park Recreation Center (PRJ1504P)
(W.O. # E1907715)

General Contractor:	G2K Construction, Inc.
Claimant:	NH Environmental, Inc
Amount:	\$369,476.53

FISCAL IMPACT STATEMENT

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:
Stop Payment Notice

**STOP PAYMENT NOTICE - PUBLIC WORKS
LEGAL NOTICE TO WITHHOLD CONSTRUCTION FUNDS**

(California Civil Code §§ 8044, 9350 et seq.)

Bond Number 0704596
TO: DIRECT CONTRACTOR
(see California Civil Code § 8018)
G2K Contructions, Inc.
28348 Roadside Drive
Suite 205
Agoura Hills, CA 91301
Contract #WO# E1907715

TO: PUBLIC ENTITY
(see California Civil Code §§ 8036)
Board of Recreation and Park Commissioner of the City of Los Angeles
221 N. Figueroa St 3rd Floor
Suite 300
Los Angeles, CA 90012
Contract #WO# E1907715
FROM: STOP PAYMENT NOTICE CLAIMANT
NH Environmental, Inc.
229 N. California Ave
City of Industry, CA 91744

Please take notice that NH Environmental, Inc., 229 N. California Ave, City of Industry, CA 91744, Phone: (626) 961-7000, Fax: (626) 961-7002 has furnished or has agreed to furnish the following kind of materials, labor, services or equipment: See Exhibit C. The person to or for whom the same was done or furnished is: G2K Contructions, Inc., 28348 Roadside Drive, Suite 205, Agoura Hills, CA 91301, Phone: (818) 889-6046, Fax: (818) 889-6048, which was performed in connection with the public work of improvement commonly known as the Lincoln Park Recreation Center Pool & Bathhouse Replacement , E1907715, 3501 Valley Blvd , Los Angeles, CA 90032 in the County of Los Angeles. The Public Entity of the above-described work of improvement is Board of Recreation and Park Commissioner of the City of Los Angeles , 221 N. Figueroa St 3rd Floor , Suite 300, Los Angeles, CA 90012, Phone: (213) 694-4329. The value of all labor, services, equipment and materials already done or furnished by Claimant is \$628,000.00. The value of all labor, services, equipment and materials agreed to be done or furnished by Claimant is \$280,000.00. The Claimant has been paid the sum of \$258,523.47 and there remains due and unpaid the sum of \$369,476.53 plus service charges or interest thereon at the rate of 1.10% per annum.

UNDER CALIFORNIA CIVIL CODE § 9358 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.

Dated February 4, 2019 for NH Environmental, Inc., 229 N. California Ave, City of Industry, CA 91744, Phone: (626) 961-7000, Fax: (626) 961-7002.

By:  Leo Hurtado , CFO

VERIFICATION

I, the undersigned state, I am the CFO of the claimant named in the foregoing Stop Payment Notice - Public Works; I have read said claim of Stop Payment Notice - Public Works and know the contents thereof; and 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 at City of Industry, CA on February 4, 2019.

By:  Leo Hurtado , CFO

PROOF OF SERVICE DECLARATION
(CALIFORNIA CIVIL CODE § § 8100-8118)

I, Leo Hurtado , declare that I served copies of the above STOP PAYMENT NOTICE - PUBLIC WORKS, (check appropriate box):

- By personally delivering copies to Board of Recreation and Park Commissioner of the City of Los Angeles (names(s) and title(s) of person served) at 221 N. Figueroa St 3rd Floor., 300 Los Angeles, CA 90012 (address), on February 4, 2019 (date), at (time).
- By Registered or Certified Mail, Express Mail or Overnight Delivery by an express service carrier, addressed to each of the parties at the address shown above on February 4, 2019.
- By leaving the notice and mailing a copy in the manner provided in § 415.20 of the California Code of Civil Procedure for service of Summons and Complaint in a Civil Action.

I certify under penalty of perjury that the foregoing is true and correct. Signed at CITY OF INDUSTRY, Ca on February 4, 2019.

By:  Leo Hurtado , CFO

RECEIVED
FEB - 7 2019
CITY OF INDUSTRY
CA 91744

ACKNOWLEDGEMENT BY NOTARY PUBLIC

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
) §
County of Los Angeles)

On February 4, 2019 before me, Carmen Guerrero, NOTARY PUBLIC, personally appeared Leo Hurtado , who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Carmen Guerrero (Seal)
My Commission Expires: 07/31/2019

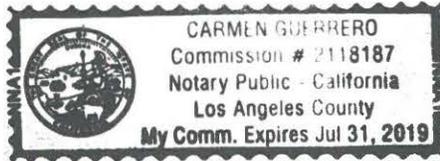


Exhibit C - Complete Description Of Materials Or Labor Supplied

Owner: Board of Recreation and Park Commissioner of the City of Los Angeles , 221 N. Figueroa St 3rd Floor , Suite 300, Los Angeles, CA 90012, Phone: (213) 694-4329

Project: Lincoln Park Recreation Center Pool & Bathhouse Replacement , E1907715, 3501 Valley Blvd , Los Angeles, CA 90032 in the County of Los Angeles

The following is a complete list, to the best of our knowledge, of all Materials or Labor, which by agreement, were supplied or will be supplied by: NH Environmental, Inc., 229 N. California Ave, City of Industry, CA 91744, Phone: (626) 961-7000, Fax: (626) 961-7002.

Demolition, grading disposal

Exhibit C - Complete Description Of The Contract Terms

Exhibit D - List of Additional Parties

Owner: Board of Recreation and Park Commissioner of the City of Los Angeles , 221 N. Figueroa St 3rd Floor , Suite 300, Los Angeles, CA 90012, Phone: (213) 694-4329

Project: Lincoln Park Recreation Center Pool & Bathhouse Replacement , E1907715, 3501 Valley Blvd , Los Angeles, CA 90032 in the County of Los Angeles

The following is a complete list, to the best of our knowledge, of all additional or secondary parties with an interest in the aforementioned project:

ADDITIONAL LENDER, SURETY OR BONDING COMPANY

International Fidelity Insurance Company

One Newark Center

20th Floor

Newark, NJ, 07102

Bond Number: 0704596