

# APPROVED

OCT 23 2019

## BOARD OF RECREATION AND PARK COMMISSIONERS

BOARD REPORT

NO. 19-211

DATE October 23, 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 A BOND TO RELEASE MONEY WITHHELD ON STOP PAYMENT NOTICE ON CONSTRUCTION CONTRACT NO. 3555 FOR G2K CONSTRUCTION, INC.

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

*Harold D. Williams*  
\_\_\_\_\_  
General Manager

Approved   X   Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

### RECOMMENDATION

Accept the Bond to Release Money withheld on Stop Payment Notice for G2K Construction, Inc. Contract No. 3555 as detailed in the Summary of this Report and which is attached to this Report.

### RELEASE OF PAYMENT NOTICE

RAP is in receipt of a Bond to Release Money on Stop Payment Notice by the claimant below, which releases the Board of Recreation and Park Commissioners from any and all liability for withholding funds from the general contractor or the sureties:

Contract 3555      CD 1

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

Sub-  
Contractor: NST Plumbing & Fire  
Claimant: Protection, Inc  
Amount: \$185,184.76

### FISCAL IMPACT

Acceptance of the Release of Stop Payment Notice has no impact on RAP's General Fund.

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

### ATTACHMENT

Bond to Release Money of Stop Payment Notice

Bond 0765303  
Premium \$2,315.00

**BOND TO RELEASE MONEY WITHHELD ON STOP NOTICE - PUBLIC WORK**

KNOW ALL BY THESE PRESENTS, That we, G2K Construction, Inc.  
28348 Roadside Drive, Suite 205 of Agoura Hills, California,  
hereinafter called Principal, as Principal, and Harco National Insurance Company,  
a corporation organized and existing under the laws of the State of Illinois, with principal place of business in  
Rolling Hills, Illinois, and authorized to transact business in the State of California, hereinafter called Surety, as Surety,  
are held and firmly bound unto City of Los Angeles,  
and any authority, or authorities, board or boards, officer or officers having control or distribution of money due, or to become due under  
the contract, hereinafter called Obligee, in the sum of Two Hundred Thirty-One Thousand, Four Hundred Eighty and 95/100  
Dollars (\$ 231,480.95 ) lawful money of the United States of  
America, for the payment of which sum, well and truly to be made, the said Principal and Surety bind themselves, their heirs, executors,  
administrators, successors and assigns, jointly and severally firmly by these presents.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That WHEREAS, the said Principal was awarded and entered into a  
written contract, dated on or about \_\_\_\_\_, with the Obligee, for Lincoln Park Recreation Center Pool &  
Bathhouse Replacement Project, and

WHEREAS, a certain stop-notice has been filed against payments which are due the said Principal in connection with said contract, in the  
amount of One Hundred Eighty-Five Thousand, One Hundred Eighty-Four and 76/100

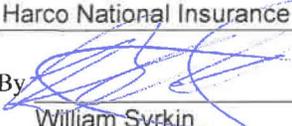
By NST Plumbing & Fire Protection, Inc.

AND WHEREAS, the said Principal disputes the correctness or validity or enforceability of the stop-notice so filed, and desires that the  
funds now due him under the provisions of said contract shall be delivered to him notwithstanding said stop-notice.

NOW, THEREFORE, if the above named Principal shall pay any sum which the stop-notice claimant may recover on the claim together  
with his costs of suit in the action, if he recovers therein, not exceeding the penal sum of this bond, then this obligation shall be void,  
otherwise it shall be and remain in full force and effect.

THIS BOND IS GIVEN AND ACCEPTED under and in accordance with the provisions of Section 9364 of the Civil Code of the State of  
California.

Signed, sealed and dated this 3rd day of October, 2019.

By  Principal  
Emilia Levy  
Harco National Insurance Company Surety  
By  Attorney-in-Fact  
William Syrkin

**POWER OF ATTORNEY**  
**HARCO NATIONAL INSURANCE COMPANY**  
**INTERNATIONAL FIDELITY INSURANCE COMPANY**

Bond # 0765303

Member companies of IAT Insurance Group, Headquartered: 702 Oberlin Road, Raleigh, North Carolina 27605

**KNOW ALL MEN BY THESE PRESENTS:** That **HARCO NATIONAL INSURANCE COMPANY**, a corporation organized and existing under the laws of the State of Illinois, and **INTERNATIONAL FIDELITY INSURANCE COMPANY**, a corporation organized and existing under the laws of the State of New Jersey, and having their principal offices located respectively in the cities of Rolling Meadows, Illinois and Newark, New Jersey, do hereby constitute and appoint

REBECCA HAAS-BATES, RICHARD ADAIR, OWEN M. BROWN, WILLIAM SYRKIN

Irvine, CA

their true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY**, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by their regularly elected officers at their principal offices.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of the By-Laws of **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY** and is granted under and by authority of the following resolution adopted by the Board of Directors of **INTERNATIONAL FIDELITY INSURANCE COMPANY** at a meeting duly held on the 13th day of December, 2018 and by the Board of Directors of **HARCO NATIONAL INSURANCE COMPANY** at a meeting held on the 13th day of December, 2018.

"**RESOLVED**, that (1) the Chief Executive Officer, President, Executive Vice President, Senior Vice President, Vice President, or Secretary of the Corporation shall have the power to appoint, and to revoke the appointments of, Attorneys-in-Fact or agents with power and authority as defined or limited in their respective powers of attorney, and to execute on behalf of the Corporation and affix the Corporation's seal thereto, bonds, undertakings, recognizances, contracts of indemnity and other written obligations in the nature thereof or related thereto; and (2) any such Officers of the Corporation may appoint and revoke the appointments of joint-control custodians, agents for acceptance of process, and Attorneys-in-fact with authority to execute waivers and consents on behalf of the Corporation; and (3) the signature of any such Officer of the Corporation and the Corporation's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seals when so used whether heretofore or hereafter, being hereby adopted by the Corporation as the original signature of such officer and the original seal of the Corporation, to be valid and binding upon the Corporation with the same force and effect as though manually affixed."

IN WITNESS WHEREOF, **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY** have each executed and attested these presents on this 31st day of December, 2018



STATE OF NEW JERSEY  
County of Essex

Kenneth Chapman

Executive Vice President, Harco National Insurance Company  
and International Fidelity Insurance Company

STATE OF ILLINOIS  
County of Cook



On this 31st day of December, 2018, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY**; that the seals affixed to said instrument are the Corporate Seals of said Companies; that the said Corporate Seals and his signature were duly affixed by order of the Boards of Directors of said Companies.



IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.

Shirelle A. Outley a Notary Public of New Jersey  
My Commission Expires April 4, 2023

**CERTIFICATION**

I, the undersigned officer of **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY** do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Sections of the By-Laws of said Companies as set forth in said Power of Attorney, with the originals on file in the home office of said companies, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand on this day, October 03, 2019

A01115

Irene Martins, Assistant Secretary

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

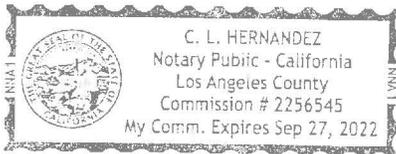
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of Los Angeles )  
On 10/03/2019 before me, C. L. Hernandez, Notary Public  
*Date Here Insert Name and Title of the Officer*  
personally appeared William Syrkin  
*Name(s) of Signer(s)*

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 [Handwritten Signature]  
*Signature of Notary Public*

*Place Notary Seal Above*

**OPTIONAL**

*Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.*

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_ Document Date: \_\_\_\_\_

Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Individual  Attorney in Fact
- Trustee  Guardian or Conservator
- Other: \_\_\_\_\_

Signer Is Representing: HARCO National Insurance Company

Signer's Name: \_\_\_\_\_

- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Individual  Attorney in Fact
- Trustee  Guardian or Conservator
- Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_