

REPORT OF GENERAL MANAGER

APPROVED
AUG 20 2008

NO. 08-231

DATE August 20, 2008

**BOARD OF RECREATION
and PARK COMMISSIONERS**

C.D. 13

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: ECHO PARK BUILDING RENOVATION (W.O. #E170388F) – CONTRACT NO. 3158 – RELEASE OF STOP NOTICE

R. Adams _____	J. Kolb _____
H. Fujita _____	F. Mok _____
S. Huntley _____	K. Regan _____
V. Israel _____	*M. Shull _____

JSH for MS

[Signature]
General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board:

1. Acknowledge receipt of an affidavit from Tobo Construction Inc., General Contractor for the Echo Park Building Renovation Project (W.O. #E170388F), Contract No. 3158, and, as no counter-affidavit was received from Commercial Sand Blast Company within the stipulated 20 days of receipt of the affidavit; and
2. Authorize the release of the Stop Notice in the amount of \$90,426.93.

SUMMARY:

On June 26, 2007, the Department received a Stop Notice from Commercial Sand Blast Company to withhold funds in the amount of \$90,426.93 from Tobo Construction, Inc., for the Echo Park Building Renovation project.

On June 3, 2008, the Department received an affidavit from Tobo Construction, Inc., challenging the aforementioned Stop Notice from Commercial Sand Blast Company, stating that the Notice does not accurately reflect the amount of labor and/or materials furnished to the work of the project. Pursuant to California Civil Code section 3199, the Department forwarded a copy of the affidavit to Commercial Sand Blast Company via certified mail and informed them that if a valid counter-affidavit was not received in the Board Office by July 15, 2008 (20 days after the receipt of the certified letter) the funds would be released to Tobo Construction, Inc.

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No such counter-affidavit was received from Commercial Sand Blast Company; therefore, in accordance with California Civil Code section 3200, the funds must be released to Tobo Construction, Inc., forthwith, and the Board is released from any and all liability for said release of funds.

FISCAL IMPACT STATEMENT:

The release of funds does not impact the contract amount, 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.