

RESOLUTION NO. 20-107

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING NOTICE OF COMPLETION AND RELEASE OF CONTRACT SURETY, DEPARTMENT OF TRANSPORTATION CONTRACT NUMBER 200009, 2017 STORM DAMAGE REPAIRS ON UNIVERSITY ROAD, COUNTY ROAD 116B, MILEPOST 3.78 (HOPLAND AREA)

WHEREAS, by Resolution Number (No.) 18-088 adopted June 19, 2018, the Mendocino County Board of Supervisors authorized Department of Transportation (DOT) to advertise and award DOT Contract No. 200009; and

WHEREAS, on March 20, 2020, DOT awarded DOT Contract No. 200009 to Mendocino Construction Services, Inc., of Willits, California (CONTRACTOR), for the 2017 Storm Damage Repairs on University Road, County Road 116B, Milepost 3.78; and

WHEREAS, final inspection and submission of contract records for the construction activity on the project was made pursuant to the Recommendation for Acceptance and filing of Notice of Completion accompanying this resolution; and

WHEREAS, Section 9204 of the California Civil Code provides that a public entity may record a notice of completion on or within 15 days after the date of completion of a work of improvement and Section 9200 provides that completion of a work of improvement occurs at the earlier of the acceptance of the work of improvement by the public entity or the cessation of labor on the work of improvement for a continuous period of 60 days; and

WHEREAS, Section 9356 of the California Civil Code provides that a stop payment notice is not effective unless given before the expiration of 30 days after the recordation of a Notice of Completion; and

WHEREAS, Section 9558 of the California Civil Code provides that a claimant may commence an action to enforce the liability on a payment bond no later than six months after the period in which a stop payment notice may be given under Section 9356 of the Civil Code.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors:

1. Accepts the completed work, approves the form of Notice of Completion, and authorizes the Director of Transportation to execute the Notice of Completion for DOT Contract No. 200009 and file it with the County Recorder; and
2. Authorizes and directs the Director of Transportation to release, in accordance with the following schedule, the contract bonds filed by the contractor, Mendocino Construction Services, Inc., P.O. Box 1517, Willits, CA 95490, pursuant to the provisions of DOT Contract No. 200009 executed March 20, 2020; and
3. Authorizes and directs the Director of Transportation to release, thirty days from the date of recordation of Notice of Completion, upon confirmation with the Clerk of the Board and the Auditor that no claims or lawsuits have been filed against same, the Performance Bond (No. 107234630) in the amount of \$260,648.00 issued by the Travelers Casualty and Surety Company of America, Hartford, CT, 06183; and

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4. Authorizes and directs the Director of Transportation to release, thirty days plus six months from the date of the recordation of Notice of Completion, providing no claims or lawsuits have been filed against same, the Labor and Materials Bond (No. 107234630) in the amount of \$260,648.00 issued by the Travelers Casualty and Surety Company of America, Hartford, CT, 06183.

The foregoing Resolution introduced by Supervisor Brown, seconded by Supervisor Williams, and carried this 18th day of August, 2020, by the following vote:

AYES: Supervisors Brown, McCowen, Haschak, Gjerde and Williams
NOES: None
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

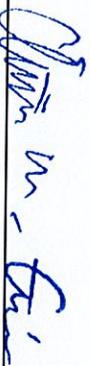
ATTEST: CARMEL J. ANGELO
Clerk of the Board


Deputy


JOHN HASCHAK, Chair
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS
County Counsel



BY: CARMEL J. ANGELO
Clerk of the Board


Deputy

When recorded please mail
copy of this instrument to:

**COUNTY OF MENDOCINO
DEPARTMENT OF TRANSPORTATION
340 LAKE MENDOCINO DRIVE, UKIAH, CA 95482**

No Fee Pursuant to Government Code 27383

SPACE ABOVE THIS LINE FOR RECORDER'S USE
NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned owner, being the COUNTY OF MENDOCINO, STATE OF CALIFORNIA, acting by and through its BOARD OF SUPERVISORS, caused certain construction and/or improvement work to be performed within the County of Mendocino, which work is generally described as being

**DOT CONTRACT NO. 200009
2017 STORM DAMAGE REPAIRS ON
UNIVERSITY ROAD, CR 116B, M.P. 3.78
DOT PROJECT NO. F-1706.608**

2. The contract for the performance of said construction was awarded to:

MENDOCINO CONSTRUCTION SERVICES, INC.
P.O. BOX 1517
WILLITS, CA 95490
3. On the 11th day of JUNE 2020, said construction was completed in substantial compliance with the approved plans, specifications, and authorized changes thereto.
4. Said Contractor, MENDOCINO CONSTRUCTION SERVICES, INC., was the Contractor for said construction and Travelers Casualty and Surety Company of America was surety for the Contractor's Bonds.
5. I certify under penalty of perjury under the laws for the State of California that the foregoing is true and correct.

THIS NOTICE is given on this 18th day of AUGUST 2020.

COUNTY OF MENDOCINO, UNDERSIGNED OWNER

BY: _____

Howard N. Dashiell
DIRECTOR OF TRANSPORTATION