

RESOLUTION NO. 17-008

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING NOTICE OF COMPLETION AND RELEASE OF CONTRACT SURETY, DEPARTMENT OF TRANSPORTATION CONTRACT NUMBER 130077, SEISMIC RETROFIT OF BRIDGE NUMBER 10C-0048 ON MOORE STREET, COUNTY ROAD 229B, MILE POST 0.45 (CALPELLA AREA)

WHEREAS, by Resolution Number (No.) 16-042 adopted April 5, 2016, the Mendocino County Board of Supervisors authorized Department of Transportation (DOT) to advertise and award DOT Contract No. 130077; and

WHEREAS, on May 20, 2016, DOT awarded DOT Contract No. 130077 to Bugler Construction of Pleasanton, California, for the Seismic Retrofit of Bridge No. 10C-0048 on Moore Street, County Road 229B, Mile Post 0.45; 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; and

WHEREAS, some grant funds require additional bonds, as well as special requirements for release of said bonds.

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. 130077 and file it with the County Recorder.
2. Authorizes and directs the Director of Transportation to release, in accordance with the following schedule, the contract bonds filed by the contractor, Bugler Construction, 4847 Hopyard Road, Suite 4, No. 395, Pleasanton, CA 94588, pursuant to the provisions of DOT Contract No. 130077 executed June 8, 2016.
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. 12132476) in the amount of \$1,299,801 issued by The Guarantee Company of North America USA, One Towne Square, Suite 1470, Southfield, MI 48076.

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. 12132476) in the amount of \$1,299,801 issued by The Guarantee Company of North America USA, One Towne Square, Suite 1470, Southfield, MI 48076.
5. Authorizes and directs the Director of Transportation to release any other grant required bonds in accordance with the requirements of the grant.

The foregoing Resolution introduced by Supervisor Hamburg, seconded by Supervisor Gjerde, and carried this 24th day of January, 2017, by the following vote:

AYES: Supervisors Brown, McCowen, Gjerde, and Hamburg
NOES: None
ABSENT: None

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



JOHN MCCOWEN, Chair
Mendocino County Board of Supervisors

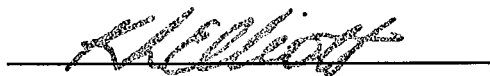
ATTEST: CARMEL J. ANGELO
Clerk of the Board



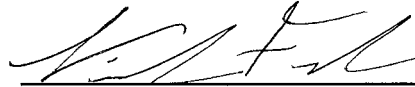
Deputy

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

APPROVED AS TO FORM:
KATHARINE L. ELLIOTT, County Counsel



BY: CARMEL J. ANGELO
Clerk of the Board



Deputy