

RESOLUTION NO. 17-034

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING NOTICE OF COMPLETION AND RELEASE OF CONTRACT SURETY, DEPARTMENT OF TRANSPORTATION CONTRACT NUMBER 130078, SCHOOL WAY BRIDGE REPLACEMENT ON SCHOOL WAY, COUNTY ROAD 236 (REDWOOD VALLEY AREA)

WHEREAS, by Resolution Number (No.) 14-054, adopted April 22, 2014, the Mendocino County Board of Supervisors authorized the Department of Transportation (DOT) to advertise and award DOT Contract No. 130078; and

WHEREAS, on July 23, 2014, DOT awarded DOT Contract No. 130078 to MCM Construction, Inc., of North Highlands, California, for the School Way Bridge Replacement on School Way, County Road (CR) 236; 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 provide 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.

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.

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.

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. 130078 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, MCM Construction, Inc., 6413 32nd Street, North Highlands, California, 95660, pursuant to the provisions of DOT Contract No. 130078 executed July 23, 2014.

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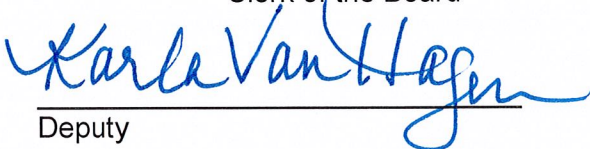
3. Authorizes and directs the Director of Transportation to release, thirty days from the date of recordation of the Notice of Completion, upon confirmation with the Clerk of the Board and the Auditor that no claims or lawsuits have been filed against same, the Performance Bond (No. 106000805) in the amount of \$5,500,000.00 issued by the Travelers Casualty and Surety Company of America, 100 California Street, Suite 300, San Francisco, California, 94111.
4. Authorizes and directs the Director of Transportation to release, thirty days plus six months from the date of the recordation of the Notice of Completion, providing no claims or lawsuits have been filed against same, the Labor and Materials Bond (No. 106000805) in the amount of \$5,500,000.00 issued by the Travelers Casualty and Surety Company of America, 100 California Street, Suite 300, San Francisco, California, 94111.
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 Brown, and carried this 20th day of March, 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.

ATTEST: CARMEL J. ANGELO
Clerk of the Board


Deputy

APPROVED AS TO FORM:
KATHARINE L. ELLIOTT
County Counsel





JOHN MCCOWEN, 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.

BY: CARMEL J. ANGELO
Clerk of the Board


Deputy