

RESOLUTION NO. 21-096

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING NOTICE OF COMPLETION AND RELEASE OF CONTRACT SURETY, DEPARTMENT OF TRANSPORTATION CONTRACT NUMBER 190036, STORM DAMAGE REPAIRS ORR SPRINGS ROAD, COUNTY ROAD 223 AT MILEPOST 39.20 (UKIAH AREA)

WHEREAS, by Resolution Number (No.) 17-064 adopted May 16, 2017, the Mendocino County Board of Supervisors authorized Department of Transportation (DOT) to advertise and award DOT Contract No. 190036 for Storm Damage Repairs on Orr Springs Road, County Road (CR) 223, at milepost (MP) 39.20; and

WHEREAS, on November 15, 2019, DOT awarded DOT Contract No. 190036 to Mendocino Construction Services, Inc., of Willits, California (CONTRACTOR), for the Storm Damage Repairs on Orr Springs Road, CR 223, at MP 39.20; 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, the Department of Transportation is requesting the authority to issue acceptance of the contract for the purpose of grant funding claims, apart from the actions taken to comply with the above-referenced sections of the California Civil Code, which acceptance would occur following confirmation from the Clerk of the Board and the Auditor that no claims or lawsuits have been filed against CONTRACTOR.

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. 190036 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., PO Box 1517, Willits, CA 95490, pursuant to the provisions of DOT Contract No. 190036 executed November 21, 2019; 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. 107166143) in the amount of \$257,424.00 issued by the Travelers Casualty and Surety Company of America, Hartford, CT. 06183; and

4. Authorizes and directs the Director of Transportation to accept DOT Contract No. 190036 for the purpose of grant funding claims, upon confirmation from the Clerk of the Board and the Auditor that no claims or lawsuits have been filed against CONTRACTOR; and
5. Authorizes and directs the Director of Transportation to release, thirty days plus six months from the date of recordation of Notice of Completion, providing no claims or lawsuits have been filed against same, the Payment Bond (No. 107166143) in the amount of \$257,424.00 issued by the Travelers Casualty and Surety Company of America, Hartford, CT. 06183.

The foregoing Resolution introduced by Supervisor Williams, seconded by Supervisor McGourty, and carried this 22nd day of June, 2021, by the following vote:

AYES: Supervisors McGourty, Mulheren, 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

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS
County Counsel





DAN GJERDE, 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