

RESOLUTION NO. 16-

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING RELEASE OF CONTRACT SURETY, DEPARTMENT OF TRANSPORTATION (DOT) CONTRACT NO. 130012, 2011 STORM DAMAGE REPAIRS ON COMPTCHE UKIAH ROAD, CR 223, M.P. 8.25 (COMPTCHE AREA)

WHEREAS, by Resolution No. 13-037 adopted April 9, 2013, the Mendocino County Board of Supervisors authorized DOT to award eleven contracts to construct 2011 Storm Damage Repairs, which included DOT Contract No. 130012; and

WHEREAS, on June 3, 2014, DOT awarded DOT Contract No. 130012 to Bouthillier's Construction, Inc. of Willits, California for 2011 Storm Damage Repairs on Comptche Ukiah Road, CR 223, M.P. 8.25; and

WHEREAS, construction activity on the project was completed on July 17, 2015 and the Notice of Completion was authorized by the Board of Supervisors on October 20, 2015 and was recorded on November 19, 2015 as Document No. 2015-15748 in the Mendocino County Official Records; 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, the 30-day period from the date of recording the Notice of Completion, as prescribed in Section 9356 of the California Civil Code, did expire on December 19, 2015;

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. Authorizes and directs the Clerk of the Mendocino County Board of Supervisors to release, in accordance with the following schedule, the contract bonds filed by the contractor, Bouthillier's Construction, Inc., 1571 South Main Street, Willits, California, 95490, pursuant to the provisions of DOT Contract No. 130012 executed June 30, 2014.
2. Authorizes and directs the Clerk of the Mendocino County Board of Supervisors to release immediately the Performance Bond (No. PB11511000859) in the amount of \$393,485.50 issued by the Philadelphia Indemnity Insurance Company, One Bala Plaza, Suite 100, Bala Cynwyd, PA, 19004.

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3. Authorizes and directs the Clerk of the Mendocino County Board of Supervisors 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. PB11511000859) in the amount of \$393,485.50 issued by the Philadelphia Indemnity Insurance Company, One Bala Plaza, Suite 100, Bala Cynwyd, PA, 19004.

The foregoing Resolution introduced by Supervisor _____, seconded by Supervisor _____, and carried this _____ day of _____, 2016, by the following vote:

AYES:
NOES:
ABSENT:

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

ATTEST: CARMEL J. ANGELO
Clerk of the Board

Dan Gjerde, Chair
Mendocino County Board of Supervisors

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, Acting County
Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy

Deputy