

RESOLUTION NO. 16-

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING NOTICE OF COMPLETION AND RELEASE OF CONTRACT SURETY, DEPARTMENT OF TRANSPORTATION (DOT) CONTRACT NO. 120015, BRIDGE PREVENTIVE MAINTENANCE IMPLEMENTATION ON EEL RIVER ROAD, CR 240B, MILE POST (MP) 6.20 AND BRANSCOMB ROAD, CR 429, MP 9.95 AND MP 10.50 (POTTER VALLEY AND BRANSCOMB AREAS)

WHEREAS, by Resolution No. 15-013 adopted January 20, 2015, the Mendocino County Board of Supervisors authorized DOT to advertise and award DOT Contract No. 120015; and

WHEREAS, on August 20, 2015, DOT awarded DOT Contract No. 120015 to Green Right O'Way Constructors Inc. of Willits, California for Bridge Preventive Maintenance Implementation on Eel River Road, CR 240B, MP 6.20, and Branscomb Road, CR 429, MP 9.95 and MP 10.50; and

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

WHEREAS, Section 9205 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 120015 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, Green Right O'Way Constructors Inc., P.O. Box 1119, Willits, California, 95490, pursuant to the provisions of DOT Contract No. 120015 executed August 20, 2015.

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. 71666273) in the amount of \$500,000.00 issued by Western Surety Company 100 S. Reid St, Sioux Falls, South Dakota, 57103.
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. 71666273) in the amount of \$500,000.00 issued by Western Surety Company, 100 S. Reid St, Sioux Falls, South Dakota, 57103.
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 _____, 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