

COUNTY OF LOS ANGELES  
DEPARTMENT OF PARKS AND RECREATION  
"Creating Community Through People, Parks and Programs"



Tim Gallagher, Director

June 29, 2004

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**AWARD A CONSTRUCTION CONTRACT AND  
APPROVAL OF APPROPRIATION ADJUSTMENT  
FOR GENERAL IMPROVEMENTS AT  
RUBEN F. SALAZAR PARK AND SAYBROOK PARK  
C.P. NOS. 68807 & 68813  
SPEC. NOS. 03-0060 & 03-0070  
(First District - 3 - Vote Matter)**

**JOINT RECOMMENDATION WITH THE CHIEF ADMINISTRATIVE OFFICER THAT  
YOUR BOARD:**

1. Approve the award of a construction contract to Torres Construction Corporation in the amount of \$544,900, for the General Improvements at Ruben F. Salazar Park project, and approve the award of a construction contract to BJ Development in the amount of \$123,180, for the General Improvements at Saybrook Park project.
2. Approve a change order contingency fund of \$54,490 (10 percent of the construction contract) for the General Improvements at Ruben F. Salazar Park and approve a change order contingency fund of \$24,636 (20 percent of the construction contract) for the General Improvements at Saybrook Park, respectively; and authorize the Director of Parks and Recreation to order changes and additions in the work in accordance with Public Contract Code Section 20142 for both projects.
3. Approve and instruct the Chairman to sign the attached Agreements, and approve the Bond for Faithful Performance and the Payment Bond for Labor and Materials filed by the Contractors.

4. Approve the attached appropriation adjustment to transfer appropriation and revenue in the amount of \$57,000 from Salazar Park (C.P. No. 68807) to Saybrook Park (C.P. No. 68813) to provide sufficient funds for the General Improvements at Saybrook Park project (See Attachment E).

#### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The recommended actions request that your Board approve the award of separate construction contracts for the General Improvements at Ruben F. Salazar Park and at Saybrook Park, and establish change order contingency funds for each project and authorize the Director of Parks and Recreation to order changes and additions to the work in accordance with Public Contract Code Section 20142, thus allowing the Department of Parks and Recreation (DPR) to proceed with construction of the General Improvement projects at Ruben F. Salazar and Saybrook Parks. The recommended actions also will transfer appropriation and revenue from the Ruben F. Salazar Park project to the Saybrook project in order to fully fund the Saybrook Park project.

#### **Ruben F. Salazar Park**

The proposed construction project consists of construction of an outdoor picnic shelter with a barbecue brazier and a sink with counters adjacent to the Senior's building; installation of a picnic area sign; installation of a new awning on the north side of the Senior's building; painting the exterior of the Senior's building; surfacing and striping two (2) parking lots, one at South Alma Avenue and one at Ditman Avenue; replacement of the wood floor and existing wood bleachers in the gymnasium; installation of a new signage kiosk and directional signage at park entries; upgrade of the park's subsurface drainage system; construction of concrete walkways; addition of brick dust to the southeast ball-field; replacement of the irrigation system and improvement of landscaping at the north and northeast areas of the park.

The project also includes, as additive alternate items, the installation of four (4) shade trees, four (4) concrete picnic tables on poured-in-place concrete pads, concrete paving east of the tennis courts, concrete walkways at the north side of the gym, and vandal-resistant shields for seven (7) light fixtures at the southeast ballfield.

In addition, DPR will utilize at-risk youth to re-stripe the parking lot to comply with the Americans with Disabilities Act (ADA).

#### **Saybrook Park**

The proposed construction project consists of the following work: replacement of the kitchen cabinets, kitchen countertops, kitchen floor tile, and painting of the interior kitchen walls in the multi-purpose/activity building; and refurbishment of the building's roof. Other site work shall include installation of six (6) concrete picnic tables and an acrylic awning over the steel frame trellis in the enclosed patio; installation of a new

modular building with concrete slab for use as a computer lab; addition of brick dust and renovation of the turf at the ball-field; and installation of trees throughout the park.

Site preparation which includes demolition and site repairs associated with installation of the modular building will be included in the project construction. The modular building will be purchased and installed during construction through a purchase order issued through the Internal Services Department.

The project will also include as additive alternate items, the replacement of all exterior doors, thresholds, door closures and exit devices on the multi-purpose/activity building.

The DPR also intends to employ at-risk youth to plant fifteen (15) 24" box trees.

#### **Implementation of Strategic Plan Goals:**

The building and site improvements planned at Ruben F. Salazar Park and Saybrook Park will enhance Fiscal Responsibility (Goal Number 4 of the County's Strategic Plan) through investment in the public infrastructure.

The project also supports County Strategic Plan goals for Service Excellence (Goal Number 1) by providing high-demand services in a user-friendly facility, and Service to Children and Families (Goal Number 5) by providing a safe environment for children and families to enjoy a variety of activities.

#### **FISCAL IMPACT/FINANCING**

##### **PROJECT BUDGET IMPACT:**

Upon your Board's approval of the attached appropriation adjustment, which will transfer appropriation and revenue in the amount of \$57,000 from Ruben F. Salazar Park (C.P. No. 68807) to Saybrook Park (C.P. No. 68813) to provide sufficient funds for the General Improvements Project at Saybrook Park, sufficient appropriation will be available in the 2003-04 Capital Projects/Refurbishment's Budget under C.P. Nos. 68807 and 68813. The projects will be funded as follows:

##### **Ruben F. Salazar Park (C.P. No. 68807)**

The construction budget includes the base bid of \$518,000, additive alternate items of \$26,900, and a change order contingency fund of \$54,490 (10 percent of the construction contract amount). The total project budget (see Attachment A), including plans and specifications, plan review, construction, consultant services, at-risk youth and County services, is currently estimated at \$866,000 which is \$57,000 less than the budget previously approved by your Board on February 3, 2004.

The proposed project is funded by the Safe Neighborhood Parks Proposition of 1992, in the amount of \$510,000 and the First District Extraordinary Maintenance funds allocated in 1999-00 in the amount of \$356,000.

### **Saybrook Park (C.P. No. 68813)**

The construction budget includes the base bid of \$114,320, additive alternate items of \$8,860, and a change order contingency fund of \$24,636 (20 percent of the construction contract amount). The recommended change order contingency fund for Saybrook Park is higher than Ruben F. Salazar Park because of the nature of the work and the potential for coordination issues that may need to be considered upon purchase and installation of the modular building, which will be procured through a separate purchase order at an estimated cost of \$81,920. The total project budget (see Attachment B), including plans and specifications, plan review, construction, consultant services, at-risk youth and County services, is currently estimated at \$315,400 which is \$57,000 higher than the budget previously approved by your Board on February 3, 2004.

The proposed project is funded by the Safe Neighborhood Parks Proposition of 1992, in the amount of \$68,939, and the Safe Neighborhood Parks Proposition of 1996 in the amount of \$123,061; a competitive grant for at-risk youth recreation service facilities in the amount of \$102,400; and First District Extraordinary Maintenance funds allocated in 1999-00 in the amount of \$21,000.

### **Operating Budget Impact:**

In 2000-01, DPR developed recommendations with the Chief Administrative Office to address funding of estimated start-up and ongoing operational costs for new capital projects. Start-up and operating costs were developed for two-phases of improvements at Ruben F. Salazar Park and Saybrook Park. The operating costs reflected estimates for completion of Phases I and II of the Ruben F. Salazar Park and Saybrook Park projects. Phase I improvements have been completed, and these construction contracts address Phase II improvements.

The DPR anticipated an estimated startup cost of \$500 for supplies at Ruben F. Salazar Park and \$19,000 at Saybrook Park, which were approved by your Board in 2000-01, and related to the completion of Phase I improvements. The equipment for Ruben F. Salazar Park and Saybrook Park was purchased in 2000-01. Estimated annual operating costs of \$34,367 at Ruben F. Salazar Park, and \$26,464 at Saybrook Park were approved by your Board in 2000-01 for expenditures beginning in 2001-02.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The DPR is seeking authority to approve changes or additions to the project scope in accordance with the requirements of Public Contract Code Section 20142 and subject to the limits thereof. The requested change order contingency fund for the Ruben F.

Salazar Park project is \$54,490 (10 percent of the construction contract), and \$24,636 (20 percent of the construction contract) for the Saybrook Park project.

As required by your Board, the contract documents include language requiring the Contractor and its subcontractors to have a written policy stating that their employees shall annually receive no less than five (5) days of regular pay for actual jury service.

The contract documents also include the other applicable Board-mandated provisions, including: notification about eligibility for federal earned income credit, the County's non-responsibility and debarment ordinance; participation in the County's GAIN/GROW Program; Safely Surrendered Baby Law; and reporting solicitation of improper consideration by County employees.

As required by your Board, Torres Construction Corporation and BJ Development have submitted the proper identifying information concerning the principal owners to the Child Support Services Department and are in compliance with any court ordered child, family and spousal support obligations, if applicable.

As part of DPR's program to fulfill the Youth Employment Minimum Obligation as adopted for the County by your Board on June 26, 1997, your Board approved a Youth Employment Plan for Ruben F. Salazar Park and Saybrook Park projects on February 3, 2004.

As required by your Board, DPR posted the Notice Inviting Construction Bids for both projects on February 9, 2004, on the County's Office of Small Business web site. Notice of the mandatory pre-bid walkthrough was added to the website on February 11, 2004.

These actions have been reviewed and approved by County Counsel.

### **CONTRACTING PROCESS**

On February 3, 2004, your Board adopted the Plans and Specifications No. 03-0060 for the General Improvements at Ruben F. Salazar Park project, at an estimated construction cost of \$626,728, and Plans and Specifications No. 03-0070 for Saybrook Park at an estimated construction cost of \$78,117, and instructed the Executive Officer-Clerk of the Board to advertise for construction bids in accordance with the "Instruction Sheet for Publishing Legal Advertisement." The projects were advertised on February 3, 2004.

On March 9, 2004, six (6) bids were received for the Ruben F. Salazar Park project (see Attachment C), and one bid was received for the Saybrook Park project (see Attachment D). Torres Construction Corporation was found to be the lowest responsive bidder for Ruben F. Salazar Park and BJ Development for Saybrook Park, and both companies met the criteria adopted by your Board. Accordingly, DPR is recommending that the construction contract for Ruben F. Salazar Park be awarded to Torres

Construction Corporation, and the Saybrook Park construction contract be awarded to BJ Development.

### **IMPACT ON CURRENT SERVICES**

It is anticipated that construction will begin in July 2004 at both parks, and will be completed in November 2004 at Saybrook Park, and January 2005 at Ruben F. Salazar Park. Both parks will remain open during construction. At Saybrook Park, the multi-purpose/activity building will be open to the public during construction operations with the exception of the kitchen, while the ballfield will be closed during its landscape and infield renovations. Signs informing the public of the upcoming construction will also be posted at each park 30 days prior to the start of construction, and flyers will be circulated in the community.

### **NEGATIVE DECLARATION / ENVIROMENTAL IMPACT REPORT**

On February 3, 2004, your Board found the projects to be categorically exempt from the California Environmental Quality Act.

### **CONCLUSION**

Please instruct the Executive Officer-Clerk of the Board to forward one (1) conformed copy of this letter to the Chief Administrative Office, Capital Projects Division, and four (4) conformed copies of this letter to the Department of Parks and Recreation for distribution.

Respectfully submitted,



Timothy Gallagher  
Director

David E. Janssen  
Chief Administrative Officer

Attachments (5)  
al:awardboardltr.wp

c: Executive Office (22)  
County Counsel

**AWARD A CONSTRUCTION CONTRACT  
FOR GENERAL IMPROVEMENTS AT RUBEN F. SALAZAR PARK  
C.P. NO. 68807, SPEC. NO. 03-0060  
(First District - 3- Vote Matter)**

<b>I. PROJECT SCHEDULE</b>				
	<b>Project Activity</b>	<b>Scheduled Completion Date</b>	<b>Revised Completion Date</b>	<b>Date Completed</b>
1.	Land Acquisition	N/A		N/A
2.	Environmental Impact Report	N/A		N/A
3.	Program	02-99		02-99
4.	Schematic Design	08-99		08-99
5.	Design Development	10-99		10-99
6.	Construction Documents	09-01		03-03
7.	Jurisdictional Approval	N/A		N/A
8.	Construction Contract Award	03-04	05-04	
	Construction Start	04-04	07-04	
10.	Final Inspection	10-04	01-05	
11.	Final Acceptance	12-04	02-05	

<b>II. PROJECT COST SUMMARY</b>				
	<b>Cost Category</b>	<b>Estimated Project Cost</b>	<b>Impact of Proposed Action</b>	<b>Revised Project Cost</b>
1.	Land Acquisition	N/A	N/A	N/A
2.	Plans and Specifications	\$57,248	\$0	\$57,248
3.	Plan Review	\$1,609	\$0	\$1,609
4.	Make-Ready Activities	N/A	\$0	\$0
5.	Construction	\$626,728	\$(81,828)	\$544,900
6.	Change Order/Contingencies	\$62,673	\$(8,183)	\$54,490
7.	Equipment	N/A	N/A	N/A
8.	Consultant Services	\$28,556	\$0	\$28,556
9.	County Services	\$143,337	\$33,011	\$176,348
10.	Youth Employment Plan*	\$2,849	\$0	\$2,849
11.	Utility Connection Fees	N/A	N/A	N/A
	<b>TOTAL</b>	<b>\$923,000</b>	<b>\$(57,000)</b>	<b>\$866,000</b>

\* Including youth employment, supervision, and materials.

**AWARD A CONSTRUCTION CONTRACT  
FOR GENERAL IMPROVEMENTS AT SAYBROOK PARK  
C.P. NO. 68813, SPEC. NO. 03-0070  
(First District - 3- Vote Matter)**

<b>I. PROJECT SCHEDULE</b>				
Project Activity	Scheduled Completion Date	Revised Completion Date	Date Completed	
1. Land Acquisition	N/A		N/A	
2. Environmental Impact Report	N/A		N/A	
3. Program	02-99		02-99	
4. Schematic Design	08-99		08-99	
5. Design Development	10-99		10-99	
6. Construction Documents	09-01		03-03	
7. Jurisdictional Approval	N/A		N/A	
8. Construction Contract Award	03-04	05-04		
9. Construction Start	04-04	07-04		
10. Final Inspection	08-04	11-04		
11. Final Acceptance	10-04	12-04		

<b>II. PROJECT COST SUMMARY</b>				
Cost Category	Estimated Project Cost	Impact of Proposed Action	Revised Project Cost	
1. Land Acquisition	N/A	N/A	N/A	
2. Plans and Specifications	\$16,417	\$0	\$16,417	
3. Plan Review	\$743	\$0	\$743	
4. Make-Ready Activities	N/A	N/A	N/A	
5. Construction	\$78,117	\$45,063	\$123,180	
6. Modular Building	\$77,055	\$4,865	\$81,920	
7. Change Order/Contingencies	\$21,978	\$2,658	\$24,636	
8. Equipment	N/A	N/A	N/A	
9. Consultant Services	\$4,320	\$0	\$4,320	
10. County Services	\$56,040	\$4,414	\$60,454	
11. Youth Employment Plan*	\$3,730	\$0	\$3,730	
12. Utility Connection Fees	N/A	N/A	N/A	
<b>TOTAL</b>	<b>\$258,400</b>	<b>\$57,000</b>	<b>\$315,400</b>	

\* Including youth employment, supervision, and materials.

ATTACHMENT C

AWARD A CONSTRUCTION CONTRACT  
FOR GENERAL IMPROVEMENTS AT RUBEN F. SALAZAR PARK  
C.P. NO. 68807, SPEC. NO. 03-0060  
(First District - 3- Vote Matter)

<u>BIDDER</u>	<u>LUMP SUM BID</u>
1. Torres Construction Corporation	\$518,000
2. Pima Corporation	\$542,700
3. AWI Builders, Incorporated	\$544,911
4. IMEX, Incorporated	\$549,900
5. Angeles Contractor	\$595,000
6. 4-Con Engineering, Incorporated	\$634,554

ATTACHMENT D

AWARD A CONSTRUCTION CONTRACT  
FOR GENERAL IMPROVEMENTS AT SAYBROOK PARK  
C.P. NO. 68813, SPEC. NO. 03-0070  
(First District - 3- Vote Matter)

<u>BIDDER</u>	<u>LUMP SUM BID</u>
BJ Development	\$114,320

**ATTACHMENT E**

**APPROPRIATION ADJUSTMENT  
FISCAL YEAR 2003-04**

**3-VOTE MATTER**

**FINANCIAL SOURCES:**

Department of Parks and Recreation  
Ruben F. Salazar Park (1)  
General Improvements  
Building and Improvements  
A01 – PK – 68807 – 6014  
\$57,000 Decrease Appropriation

Department of Parks and Recreation  
Saybrook Park (1)  
General Improvements  
Rev: Reg. Park & Open Space Dt/CP  
A01 – PK – 68813 – R400  
\$57,000 Increase Revenue

**FINANCIAL USES:**

Department of Parks and Recreation  
Ruben F. Salazar Park (1)  
General Improvements  
Rev: Reg. Park & Open Space Dt/CP  
A01 – PK – 68807 – R400  
\$57,000 Decrease Revenue

Department of Parks and Recreation  
Saybrook Park (1)  
General Improvements  
Building and Improvements  
A01 – PK – 68813 – 6014  
\$57,000 Increase Appropriation

**Justification:** Adjustment is necessary to provide sufficient funds in awarding the construction contract for General Improvement Project at Saybrook Park.

COUNTY OF LOS ANGELES  
REQUEST FOR APPROPRIATION ADJUSTMENT

DEPT'S. No. 600 - 12

DEPARTMENT OF PARKS AND RECREATION

May 25, 2004

AUDITOR-CONTROLLER

THE FOLLOWING APPROPRIATION ADJUSTMENT IS DEEMED NECESSARY BY THIS DEPARTMENT. WILL YOU PLEASE REPORT AS TO ACCOUNTING AND AVAILABLE BALANCES AND FORWARD TO THE CHIEF ADMINISTRATIVE OFFICER FOR HIS RECOMMENDATION OR ACTION.

ADJUSTMENT REQUESTED AND REASONS THEREFOR

3-VOTE MATTER

FINANCIAL SOURCES:

Department of Parks & Recreation  
Ruben F. Salazar Park (1)  
General Improvements  
Building and Improvements  
A01 - PK - 68807 - 6014  
\$57,000 Decrease Appropriation

Department of Parks & Recreation  
Saybrook Park (1)  
General Improvements  
Rev: Reg. Park & Open Space DT/CP  
A01 - PK - 68813 - R400  
\$57,000 Increase Revenue

FINANCIAL USES:

Department of Parks & Recreation  
Ruben F. Salazar Park (1)  
General Improvements  
Rev: Reg. Park & Open Space DT/CP  
A01 - PK - 68807 - R400  
\$57,000 Decrease Revenue

Department of Parks & Recreation  
Saybrook Park (1)  
General Improvements  
Building and Improvements  
A01 - PK - 68813 - 6014  
\$57,000 Increase Appropriation

JUSTIFICATION: Adjustment is necessary to provide sufficient funds in awarding the construction contract for General Improvement Project at Saybrook Park.

*Ahmed Bahbah*  
Ahmed Bahbah, Accounting Officer III

CHIEF ADMINISTRATIVE OFFICER'S REPORT

REFERRED TO THE CHIEF ADMINISTRATIVE OFFICER FOR

ACTION

APPROVED AS REQUESTED

AS REVISED

✓ RECOMMENDATION

June 4 2004

*[Signature]*  
CHIEF ADMINISTRATIVE OFFICER

APPROVED (AS REVISED): BOARD OF SUPERVISORS

JUN 2 2004

BY DEPUTY COUNTY CLERK

AUDITOR-CONTROLLER No. 299

BY *[Signature]* JUNE 2 2004

**AGREEMENT**

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2004, by and between the COUNTY OF LOS ANGELES, State of California (hereinafter called the County), and

**TORRES CONSTRUCTION CORPORATION**

930 West Colorado Blvd., Suite 3  
Los Angeles, CA 90041  
(323) 257-7460

(hereinafter called the Contractor),

WITNESSETH

FIRST: That the Contractor, in consideration of the promises of the County hereinafter set forth, hereby agrees to furnish all tools, equipment, labor and material necessary to perform and complete in a good and workmanlike manner,

**RUBEN F. SALAZAR PARK  
GENERAL IMPROVEMENTS CAPITAL PROJECT NO. 68807  
3864 Whittier Blvd.  
Los Angeles, CA 90023  
SPEC. NO. 03-0060**

within the time and in accordance with the recommendation of the Director of the Department of Parks and Recreation, dated **June 8, 2004**, Plans and Specifications No. **03-0060**, addenda dated 12/4/03, 3/1/04, and 3/4/04, the Notice Inviting Bids, and the lump sum bid of the Contractor, each of which is incorporated herein as though fully set forth, and all of which are hereby agreed by the parties to constitute the contract documents.

SECOND: That the County agrees, in consideration of the performance of this contract, to pay to the Contractor, and the Contractor agrees to accept in full satisfaction for the work done hereunder which includes five additive alternates, a sum of **\$544,900.00 (Five Hundred Forty Four Thousand Nine Hundred Dollars and No Cents)**, which sum shall be paid to the Contractor at the time and in the manner set forth in the specifications.

IN WITNESS WHEREOF, the County has, by order of its Board of Supervisors, caused these presents to be subscribed by the Chairman of said Board and the seal of the Board to be affixed and attested by the Clerk thereof, and the Contractor has hereunto subscribed its corporate name and affixed its corporate seal by its duly authorized officers the day month and year first above written.

Attest: Violet Varona-Lukens  
Executive Officer  
Clerk of the Board of Supervisors

COUNTY OF LOS ANGELES

By \_\_\_\_\_

\_\_\_\_\_  
Chair, Board of Supervisors

TORRES CONSTRUCTION CORP.

APPROVED AS TO FORM:  
County Counsel

By Timoteo A. Torres  
Timoteo A. Torres, President

By [Signature]  
Deputy

By [Signature]  
Tomas Torres, Secretary

B - C/8                      808067  
Classification              License No.  
CONTRACTOR

ACKNOWLEDGMENT

SUBJECT:

RUBEN F. SALAZAR PARK  
GENERAL IMPROVEMENTS PROJECT  
3864 Whittier Blvd.  
Los Angeles, CA 90023  
SPEC. NO. 03-0060

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the work of this Contract.

TORRES CONSTRUCTION CORP.

By *Timoteo A. Torres*  
Timoteo A. Torres, President

Date *May 20, 2004*

**ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Los Angeles } SS.

On May 20, 2004 before me, Karla J. Orellana,  
(DATE) (NOTARY)  
personally appeared Timoteo A. Torres & Tomas Torres  
SIGNER(S)

personally known to me - OR -  proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.  
Karla J. Orellana  
NOTARY'S SIGNATURE

**OPTIONAL INFORMATION**

The information below is not required by law. However, it could prevent fraudulent attachment of this acknowledgment to an unauthorized document.

**CAPACITY CLAIMED BY SIGNER (PRINCIPAL)**

- INDIVIDUAL
- CORPORATE OFFICER  
President & Secretary  
TITLE(S)
- PARTNER(S)
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: \_\_\_\_\_

**DESCRIPTION OF ATTACHED DOCUMENT**

Agreement  
TITLE OR TYPE OF DOCUMENT

2  
NUMBER OF PAGES

\_\_\_\_\_  
DATE OF DOCUMENT

\_\_\_\_\_  
OTHER

SIGNER IS REPRESENTING:  
NAME OF PERSON(S) OR ENTITY(IES)  
Torres Construction Corp.

RIGHT THUMBPRINT  
OF  
SIGNER

**ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Los Angeles } ss.

On May 20, 2004 before me, Karla J. Orellana,  
(DATE) (NOTARY)  
personally appeared Timoteo A. Torres & Tomas Torres  
SIGNER(S)

personally known to me - OR -  proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.  
Karla J. Orellana  
NOTARY'S SIGNATURE

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- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: \_\_\_\_\_

**DESCRIPTION OF ATTACHED DOCUMENT**

Acknowledgement  
TITLE OR TYPE OF DOCUMENT

\_\_\_\_\_  
NUMBER OF PAGES

\_\_\_\_\_  
DATE OF DOCUMENT

\_\_\_\_\_  
OTHER

**SIGNER IS REPRESENTING:**  
NAME OF PERSON(S) OR ENTITY(IES)  
Torres Construction Corp

RIGHT THUMBPRINT  
OF  
SIGNER



BOND NO. 58617692

PREMIUM INCLUDED IN PERFORMANCE BOND

**PAYMENT BOND FOR LABOR AND MATERIALS**

EXECUTED IN FOUR COUNTERPARTS

KNOW ALL MEN BY THESE PRESENTS:

That we, **Torres Construction Corporation, as principal, and Western Surety Company, as surety**, are held and firmly bound unto the COUNTY OF LOS ANGELES, State of California, hereinafter referred to as the County, in the sum of **\$544,900.00 (Five Hundred Fourty Four Thousand Nine Hundred Dollars and No Cents)**, lawful money of the United States, for the payment of which sum, well and truly made, we bind ourselves, jointly and severally, firmly by these presents.

The condition of the above obligation is such that, whereas said principal has been awarded and is about to enter into a written contract with the County for:

**RUBEN F. SALAZAR PARK  
GENERAL IMPROVEMENTS PROJECT  
3864 Whittier Blvd.  
Los Angeles, CA 90023  
SPEC. NO. 03-0060**

which is hereto attached and made a part hereof, and to which reference is hereby made for all particulars, and is required by said County to give this bond in connection with the execution of said contract;

NOW, THEREFORE, if said principal, as contractor in said contract, or principal's subcontractor, fails to pay any of the persons referred to in Section 3181 of the Civil Code of the State of California for labor performed, skills or other necessary services bestowed, site improvement made, equipment leased, or appliances, equipment, implements, machinery, materials, power, provender, provisions, teams, or trucks furnished or used in, upon, or about the performance of this work contracted to be done, or for amounts due under the Unemployment Insurance Code with respect to such work or labor performed by such claimant, or for any amounts required to be deducted, withheld, and paid over to the Employment Development Department from the wages of employees of the contractor and the subcontractors pursuant to Section 13020 of the Unemployment Insurance Code, with respect to such work and labor, said surety shall pay for the same in an amount not exceeding the sum specified above, and if suit is brought upon this bond, a reasonable attorney's fee to be fixed by the court. This bond is executed pursuant to Chapter 7 of Division 3, Part 4, Title 15 of the Civil Code of the State of California, and shall inure to the benefit of any of the persons referred to in said Civil Code Section 3181, as it now exists or may hereafter be amended, so as to give a right of action to such persons or their assigns in any suit brought upon this bond.

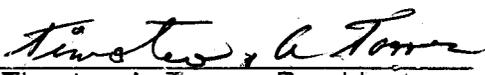
No premature payment by said County to said principal shall exonerate any surety unless the Board of Supervisors of said County shall have actual notice that such payment is premature at the time and it is ordered by said Board, and then only to the extent that such payment shall result in loss to such surety, but in no event more than the amount of such premature payment. It is agreed that any alterations in the work to be done, or increase or decrease of the materials to be furnished, which may be made pursuant to the terms of said contract shall not in any way release either the principal or surety hereunder, nor shall any extensions of time granted under the provisions of said contract release either the principal or surety, and notice of such alterations or extensions of this contract is hereby waived by the surety.

WITNESS our hands this 19TH day of MAY, 2004.

APPROVED AS TO FORM:  
County Counsel

By   
Deputy

TORRES CONSTRUCTION CORP.

By   
Timoteo A. Torres, President

By   
Tomas Torres, Secretary

By WESTERN SURETY COMPANY  
Surety

By   
Attorney-in-Fact  
WILLIAM SYRKIN

STATE OF California }  
COUNTY OF Orange } SS.

On 05/19/04, before me, R. Haas-Bates, Notary Public

PERSONALLY APPEARED William Syrkin

personally known to me (~~as a person whose name is subscribed to the instrument~~) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature R Haas Bates



OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- INDIVIDUAL
- CORPORATE OFFICER  
\_\_\_\_\_  
TITLE(S)
- PARTNER(S)       LIMITED
- GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)  
\_\_\_\_\_  
\_\_\_\_\_

DESCRIPTION OF ATTACHED DOCUMENT

Bond  
TITLE OF TYPE OF DOCUMENT

\_\_\_\_\_  
NUMBER OF PAGES

\_\_\_\_\_  
DATE OF DOCUMENT

\_\_\_\_\_  
SIGNER(S) OTHER THAN NAMED ABOVE

# Western Surety Company

## POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

**Cloe Bierman, William Syrkin, Sergio D Bechara, Individually**

of Irvine, CA, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

### - In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Senior Vice President and its corporate seal to be hereto affixed on this 3rd day of November, 2003.

WESTERN SURETY COMPANY



Paul T. Bruflat  
Paul T. Bruflat, Senior Vice President

State of South Dakota }  
County of Minnehaha } ss

On this 3rd day of November, 2003, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Senior Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires  
November 30, 2006



D. Krell  
D. Krell, Notary Public

### CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 19TH day of MAY, 2004.



WESTERN SURETY COMPANY

L. Nelson  
L. Nelson, Assistant Secretary

**ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Los Angeles } ss.

On May 20, 2004 before me, Karla J. Orellana,  
(DATE) (NOTARY)

personally appeared Timoteo A. Torres & Tomas Torres  
SIGNER(S)

personally known to me - OR -  proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Karla J. Orellana  
NOTARY'S SIGNATURE

**OPTIONAL INFORMATION**

The information below is not required by law. However, it could prevent fraudulent attachment of this acknowledgment to an unauthorized document.

**CAPACITY CLAIMED BY SIGNER (PRINCIPAL)**

- INDIVIDUAL
- CORPORATE OFFICER  
President & Secretary  
TITLE(S)
- PARTNER(S)
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: \_\_\_\_\_

**DESCRIPTION OF ATTACHED DOCUMENT**

Bond  
TITLE OR TYPE OF DOCUMENT

1  
NUMBER OF PAGES

\_\_\_\_\_  
DATE OF DOCUMENT

\_\_\_\_\_  
OTHER

**SIGNER IS REPRESENTING:**  
NAME OF PERSON(S) OR ENTITY(IES)  
Torres Construction Corp.

**RIGHT THUMBPRINT**  
OF  
SIGNER

Top of thumbprint here

BOND NO. 58617692  
PREMIUM: \$8,949.00

**BOND FOR FAITHFUL PERFORMANCE**

**PREMIUM IS FOR CONTRACT TERM  
AND IS SUBJECT TO ADJUSTMENT  
BASED ON FINAL CONTRACT PRICE**

EXECUTED IN FOUR COUNTERPARTS

KNOW ALL MEN BY THESE PRESENTS:

That we, **Torres Construction Corporation, as principal, and Western Surety Company, as surety**, are held and firmly bound unto the COUNTY OF LOS ANGELES, State of California, hereinafter referred to as the County, in the sum of **\$544,900.00 (Five Hundred Forty Four Thousand Nine Hundred Dollars and No Cents)**, lawful money of the United States, for the payment of which sum, well and truly made, we bind ourselves, jointly and severally, firmly by these presents.

The condition of the foregoing obligation is such that whereas said principal has been awarded and is about to enter into the annexed contract with the County of Los Angeles, State of California, for:

**RUBEN F. SALAZAR PARK  
GENERAL IMPROVEMENTS PROJECT  
3864 Whittier Blvd.  
Los Angeles, CA 90023  
SPEC. NO. 03-0060**

and is required by said County to give this bond in connection with the execution of said contract;

NOW, THEREFORE, if said principal shall well and truly do and perform all of the covenants and obligations of said contract on its part to be done and performed at the times and in the manner specified therein, then this obligation shall be null and void; otherwise, it shall be and remain in full force and effect. No premature payment by said County to said principal shall exonerate any surety unless the Board of Supervisors of said County shall have actual notice that such payment is premature at the time it is ordered by said Board, and then only to the extent that such payment shall result in loss to such surety, but in no event more than the amount of such premature payment. This bond shall remain in effect for a period of not less than one year after final acceptance of the contract work.

Attest: Violet Varona-Lukens  
Executive Officer  
Clerk of the Board of Supervisors

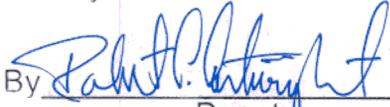
COUNTY OF LOS ANGELES

By \_\_\_\_\_

\_\_\_\_\_  
Chair, Board of Supervisors

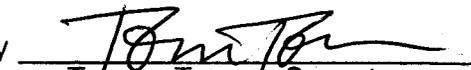
WITNESS our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2004

APPROVED AS TO FORM:  
County Counsel

By   
Deputy

TORRES CONSTRUCTION CORP.

By   
Timoteo A. Torres, President

By   
Tomas Torres, Secretary

By WESTERN SURETY COMPANY  
Surety

By   
Attorney-in-Fact  
WILLIAM SYRKIN

STATE OF California }  
COUNTY OF Orange } SS.

On 05/19/04, before me, R. Haas-Bates, Notary Public

PERSONALLY APPEARED William Syrkin

*personally known to me (not provided on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.*

WITNESS my hand and official seal.



Signature R. Haas-Bates

**OPTIONAL**

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

**CAPACITY CLAIMED BY SIGNER**

- INDIVIDUAL
- CORPORATE OFFICER  
\_\_\_\_\_  
TITLE(S)
- PARTNER(S)       LIMITED
- GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DESCRIPTION OF ATTACHED DOCUMENT**

Bond  
TITLE OF TYPE OF DOCUMENT

\_\_\_\_\_  
NUMBER OF PAGES

\_\_\_\_\_  
DATE OF DOCUMENT

\_\_\_\_\_  
SIGNER(S) OTHER THAN NAMED ABOVE

SIGNER IS REPRESENTING:  
NAME OF PERSON(S) OR ENTITY(IES)  
\_\_\_\_\_  
\_\_\_\_\_

# Western Surety Company

## POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

**Cloe Bierman, William Syrkin, Sergio D Bechara, Individually**

of Irvine, CA, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

**- In Unlimited Amounts -**

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Senior Vice President and its corporate seal to be hereto affixed on this 3rd day of November, 2003.



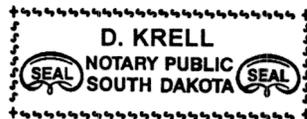
WESTERN SURETY COMPANY

Paul T. Bruflat  
Paul T. Bruflat, Senior Vice President

State of South Dakota }  
County of Minnehaha } ss

On this 3rd day of November, 2003, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Senior Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires  
November 30, 2006



D. Krell  
D. Krell, Notary Public

### CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 19TH day of MAY, 2004.



WESTERN SURETY COMPANY

L. Nelson  
L. Nelson, Assistant Secretary

**ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Los Angeles } ss.

On May 20, 2004 before me, Karla J. Orellana,  
personally appeared Timoteo A. Torres & Tomas Torres

personally known to me - OR -  proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

[Signature]  
NOTARY'S SIGNATURE

**OPTIONAL INFORMATION**

The information below is not required by law. However, it could prevent fraudulent attachment of this acknowledgment to an unauthorized document.

**CAPACITY CLAIMED BY SIGNER (PRINCIPAL)**

- INDIVIDUAL
- CORPORATE OFFICER  
President & Secretary  
TITLE(S)
- PARTNER(S)
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: \_\_\_\_\_

**DESCRIPTION OF ATTACHED DOCUMENT**

Bond  
TITLE OR TYPE OF DOCUMENT

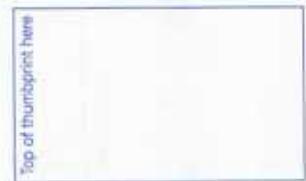
1  
NUMBER OF PAGES

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DATE OF DOCUMENT

\_\_\_\_\_  
OTHER

SIGNER IS REPRESENTING:  
NAME OF PERSON(S) OR ENTITY(IES)  
Torres Construction Corp.

RIGHT THUMBPRINT  
OF  
SIGNER



AGREEMENT

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2004, by and between the COUNTY OF LOS ANGELES, State of California (hereinafter called the County), and

**BJ DEVELOPMENT, INC.**  
3227 Producer Way, #122  
Pomona, California 91768  
(909) 594-9201

(hereinafter called the Contractor),

W I T N E S S E T H

FIRST: That the Contractor, in consideration of the promises of the County hereinafter set forth, hereby agrees to furnish all tools, equipment, labor and material necessary to perform and complete in a good and workmanlike manner,

**SAYBROOK PARK GENERAL IMPROVEMENTS  
CAPITAL PROJECT NO. 68813  
6250 East Northside Drive  
Los Angeles, CA 90022  
SPEC. NO. 03-0070**

within the time and in accordance with the recommendation of the Director of the Department of Parks and Recreation, dated **June 8, 2004**, Plans and Specifications No. **03-0070**, addenda dated 12/4/03, and 3/1/04, the Notice Inviting Bids, and the lump sum bid of the Contractor, each of which is incorporated herein as though fully set forth, and all of which are hereby agreed by the parties to constitute the contract documents.

SECOND: That the County agrees, in consideration of the performance of this contract, to pay to the Contractor, and the Contractor agrees to accept in full satisfaction for the work done hereunder which includes one additive alternate, a sum of **\$123,180.00 (One Hundred Twenty Three Thousand One Hundred Eighty Dollars and No Cents)**, which sum shall be paid to the Contractor at the time and in the manner set forth in the specifications.

IN WITNESS WHEREOF, the County has, by order of its Board of Supervisors, caused these presents to be subscribed by the Chairman of said Board and the seal of the Board to be affixed and attested by the Clerk thereof, and the Contractor has hereunto subscribed its corporate name and affixed its corporate seal by its duly authorized officers the day month and year first above written.

Attest: Violet Varona-Lukens  
Executive Officer  
Clerk of the Board of Supervisors

COUNTY OF LOS ANGELES

By \_\_\_\_\_

\_\_\_\_\_  
Chair, Board of Supervisors

APPROVED AS TO FORM:  
County Counsel

BJ DEVELOPMENT, INC.  
By   
\_\_\_\_\_  
President

By   
\_\_\_\_\_  
Deputy

By   
\_\_\_\_\_  
Secretary

\_\_\_\_\_  
A, B, C-10  
Classification

\_\_\_\_\_  
747737  
License No.

CONTRACTOR

ACKNOWLEDGMENT

SUBJECT

SAYBROOK PARK  
GENERAL IMPROVEMENTS PROJECT  
6250 East Northside Drive  
Los Angeles, CA 90022  
SPEC. NO. 03-0070

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the work of this Contract.

BJ DEVELOPMENT, INC.

By



President

Date

5-24-04

# ALL - PURPOSE ACKNOWLEDGMENT

## ACKNOWLEDGMENT

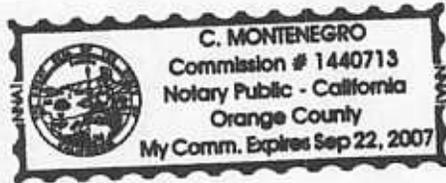
State of CALIFORNIA )ss.

County of LOS ANGELES

On MAY 24, 2004, before me C. Montenegro, Notary Public  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Bernard Ashkar  
Name(s) of Signer (s)

personally known to me  
 proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

C. Montenegro  
Signature of Notary Public

L.S.

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Los Angeles

On 6-5-04 before me, Charlotte Lew  
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared Michael A. Halaoui  
NAME(S) OF SIGNER(S)

personally known to me - OR -  proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.  
[Signature]  
SIGNATURE OF NOTARY

**OPTIONAL**

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

**CAPACITY CLAIMED BY SIGNER**

- INDIVIDUAL
- CORPORATE OFFICER
- \_\_\_\_\_ TITLE(S)
- PARTNER(S)       LIMITED
- GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: \_\_\_\_\_

**DESCRIPTION OF ATTACHED DOCUMENT**

\_\_\_\_\_ TITLE OR TYPE OF DOCUMENT

\_\_\_\_\_ NUMBER OF PAGES

\_\_\_\_\_ DATE OF DOCUMENT

\_\_\_\_\_ SIGNER(S) OTHER THAN NAMED ABOVE

**SIGNER IS REPRESENTING:**  
NAME OF PERSON(S) OR ENTITY(IES)  
 \_\_\_\_\_

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles

On June 9th, 2004 before me, Chang Nim Kim, Notary Public

personally appeared Bernard Ashkar, Michael Halasni

personally known to me – OR –  proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

[Signature]  
Signature of Notary Public

## OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

### Description of Attached Document

Title or Type of Document: Agreement

Document Date: May 24, 2004 Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

### Capacity(ies) Claimed by Signer(s)

Signer's Name: \_\_\_\_\_

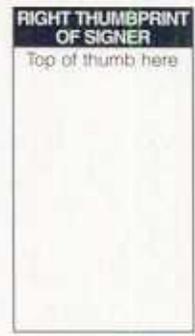
- Individual
- Corporate Officer  
Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing:  
\_\_\_\_\_  
\_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer  
Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing:  
\_\_\_\_\_  
\_\_\_\_\_

PAYMENT BOND FOR LABOR AND MATERIALS

KNOW ALL MEN BY THESE PRESENTS:

That we, BJ Development, Inc., as principal, and North American Specialty Insurance Company, as surety, are held and firmly bound unto the COUNTY OF LOS ANGELES, State of California, hereinafter referred to as the County, in the sum of \$123,180.00 (One Hundred Twenty Three Thousand One Hundred Eighty Dollars and No Cents), lawful money of the United States, for the payment of which sum, well and truly made, we bind ourselves, jointly and severally, firmly by these presents.

The condition of the above obligation is such that, whereas said principal has been awarded and is about to enter into a written contract with the County for:

**SAYBROOK PARK  
GENERAL IMPROVEMENTS PROJECT  
6250 East Northside Drive  
Los Angeles, CA 90022  
SPEC. NO. 03-0070**

which is hereto attached and made a part hereof, and to which reference is hereby made for all particulars, and is required by said County to give this bond in connection with the execution of said contract;

NOW, THEREFORE, if said principal, as contractor in said contract, or principal's subcontractor, fails to pay any of the persons referred to in Section 3181 of the Civil Code of the State of California for labor performed, skills or other necessary services bestowed, site improvement made, equipment leased, or appliances, equipment, implements, machinery, materials, power, provender, provisions, teams, or trucks furnished or used in, upon, or about the performance of this work contracted to be done, or for amounts due under the Unemployment Insurance Code with respect to such work or labor performed by such claimant, or for any amounts required to be deducted, withheld, and paid over to the Employment Development Department from the wages of employees of the contractor and the subcontractors pursuant to Section 13020 of the Unemployment Insurance Code, with respect to such work and labor, said surety shall pay for the same in an amount not exceeding the sum specified above, and if suit is brought upon this bond, a reasonable attorney's fee to be fixed by the court. This bond is executed pursuant to Chapter 7 of Division 3, Part 4, Title 15 of the Civil Code of the State of California, and shall inure to the benefit of any of the persons referred to in said Civil Code Section 3181, as it now exists or may hereafter be amended, so as to give a right of action to such persons or their assigns in any suit brought upon this bond.

No premature payment by said County to said principal shall exonerate any surety unless the Board of Supervisors of said County shall have actual notice that such payment is premature at the time and it is ordered by said Board, and then only to the extent that such payment shall result in loss to such surety, but in no event more than the amount of such premature payment. It is agreed that any alterations in the work to be done, or increase or decrease of the materials to be furnished, which may be made pursuant to the terms of said contract shall not in any way release either the principal or surety hereunder, nor shall any extensions of time granted under the provisions of said contract release either the principal or surety, and notice of such alterations or extensions of this contract is hereby waived by the surety.

WITNESS our hands this 24th day of May, 2004.

APPROVED AS TO FORM:  
County Counsel

By Robert A. Anthony  
Deputy

BJ DEVELOPMENT, INC.  
By [Signature]  
President  
By [Signature]  
Secretary Michael Henderson

North American Specialty Insurance Company

Surety  
By Matthew R. Dobyns  
Attorney-in-Fact Matthew R. Dobyns





NAS SURETY GROUP

NORTH AMERICAN SPECIALTY INSURANCE COMPANY
WASHINGTON INTERNATIONAL INSURANCE COMPANY

GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, THAT North American Specialty Insurance Company, a corporation duly organized and existing under laws of the State of New Hampshire, and having its principal office in the City of Manchester, New Hampshire, and Washington International Insurance Company, a corporation organized and existing under the laws of the State of Arizona and having its principal office in the City of Itasca, Illinois, each does hereby make, constitute and appoint:

LES M. MANTLE and MATTHEW R. DOBYNS

jointly or severally

Its true and lawful Attorney(s)-in-Fact, to make, execute, seal and deliver, for and on its behalf and as its act and deed, bonds or other writings obligatory in the nature of a bond on behalf of each of said Companies, as surety, on contracts of suretyship as are or may be required or permitted by law, regulation, contract or otherwise, provided that no bond or undertaking or contract or suretyship executed under this authority shall exceed the amount of:

TEN MILLION (10,000,000.00) DOLLARS

This Power of Attorney is granted and is signed by facsimile under and by the authority of the following Resolutions adopted by the Boards of Directors of both North American Specialty Insurance Company and Washington International Insurance Company at meetings duly called and held on the 24th of March, 2000:

"RESOLVED, that any two of the President, any Executive Vice President, any Vice President, any Assistant Vice President, the Secretary or any Assistant Secretary be, and each or any of them hereby is authorized to execute a Power of Attorney qualifying the attorney named in the given Power of Attorney to execute on behalf of the Company bonds, undertakings and all contracts of surety, and that each or any of them hereby is authorized to attest to the execution of any such Power of Attorney and to attach therein the seal of the Company; and it is

FURTHER RESOLVED, that the signature of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be binding upon the Company when so affixed and in the future with regard to any bond, undertaking or contract of surety to which it is attached."



Handwritten signature of Paul D. Amstutz

By Paul D. Amstutz, President & Chief Executive Officer of Washington International Insurance Company & Vice President of North American Specialty Insurance Company



Handwritten signature of Steven P. Anderson

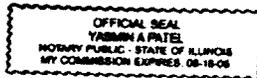
By Steven P. Anderson, Executive Vice President of Washington International Insurance Company & Vice President of North American Specialty Insurance Company

IN WITNESS WHEREOF, North American Specialty Insurance Company and Washington International Insurance Company have caused their official seals to be hereunto affixed, and these presents to be signed by their authorized officers this 14 day of October, 2003.

North American Specialty Insurance Company
Washington International Insurance Company

State of Illinois
County of Du Page ss:

On this 14 day of October, 2003, before me, a Notary Public personally appeared Paul D. Amstutz, President and CEO of Washington International Insurance Company and Vice President of North American Specialty Insurance Company and Steven P. Anderson, Executive Vice President of Washington International Insurance Company and Vice President of North American Specialty Insurance Company, personally known to me, who being by me duly sworn, acknowledged that they signed the above Power of Attorney as officers of and acknowledged said instrument to be the voluntary act and deed of their respective companies.



Handwritten signature of Yasmin A. Patel

Yasmin A. Patel, Notary Public

I, James A. Carpenter, the duly elected Assistant Secretary of North American Specialty Insurance Company and Washington International Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney given by said North American Specialty Insurance Company and Washington International Insurance Company, which is still in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the seals of the Companies this 24 day of May, 2004.

Handwritten signature of James A. Carpenter

James A. Carpenter, Vice President & Assistant Secretary of Washington International Insurance Company & Assistant Secretary of North American Specialty Insurance Company

**\$2848.00 PREMIUM IS FOR CONTRACT TERM AND IS SUBJECT TO  
ADJUSTMENT BASED ON FINAL CONTRACT PRICE**

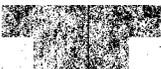
**Bond No. 2042024  
EXECUTED IN DUPLICATE**

**BOND FOR FAITHFUL PERFORMANCE**

KNOW ALL MEN BY THESE PRESENTS:

That we, **BJ Development, Inc.**, as principal, and **North American Specialty Insurance Company**, as surety, are held and firmly bound unto the COUNTY OF LOS ANGELES, State of California, hereinafter referred to as the County, in the sum of **\$123,180.00 (One Hundred Twenty Three Thousand One Hundred Eighty Dollars and No Cents)**, lawful money of the United States, for the payment of which sum, well and truly made, we bind ourselves, jointly and severally, firmly by these presents.

The condition of the foregoing obligation is such that whereas said principal has been awarded and is about to enter into the annexed contract with the County of Los Angeles, State of California, for:



**SAYBROOK PARK  
GENERAL IMPROVEMENTS PROJECT  
6250 East Northside Drive  
Los Angeles, CA 90022  
SPEC. NO. 03-0070**

and is required by said County to give this bond in connection with the execution of said contract;

NOW, THEREFORE, if said principal shall well and truly do and perform all of the covenants and obligations of said contract on its part to be done and performed at the times and in the manner specified therein, then this obligation shall be null and void; otherwise, it shall be and remain in full force and effect. No premature payment by said County to said principal shall exonerate any surety unless the Board of Supervisors of said County shall have actual notice that such payment is premature at the time it is ordered by said Board, and then only to the extent that such payment shall result in loss to such surety, but in no event more than the amount of such premature payment. This bond shall remain in effect for a period of not less than one year after final acceptance of the contract work.

Attest: Violet Varona-Lukens  
Executive Officer  
Clerk of the Board of Supervisors

COUNTY OF LOS ANGELES

By \_\_\_\_\_

\_\_\_\_\_  
Chair, Board of Supervisors

WITNESS our hands this 24th day of May, 2004

APPROVED AS TO FORM:  
County Counsel

By Robert P. Anthony  
Deputy

**BJ DEVELOPMENT, INC.**  
By [Signature]  
President

By [Signature]  
Secretary **Michael Malabu**

**North American Specialty Insurance Company**  
Surety

By Matthew R. Dobyns  
Attorney-in-Fact **Matthew R. Dobyns**



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Los Angeles

On June 9th, 2004 before me, Chang Nim Kim - Notary Public  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Bernard Ashkar, Michael Hakouj  
Name(s) of Signer(s)

personally known to me - OR -  proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

[Signature]  
Signature of Notary Public

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: Bond For Faithful Performance

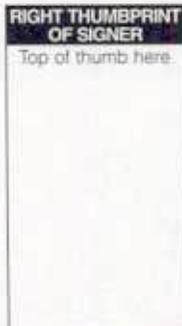
Document Date: May 24, 2004 Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: Matthew R. Dobyng

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer  
Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing:

\_\_\_\_\_  
\_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer  
Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing:

\_\_\_\_\_  
\_\_\_\_\_