

DEPARTMENT OF TRANSPORTATION - District 4 Toll Bridge Program

333 Burma Rd.
Oakland, CA 94607
(510) 622-5660, (510) 286-0550 fax



*Flex your power
Be energy efficient!*

October 24, 2007

Contract No. 04-0120F4
04-SF-80-13.2 / 13.9
Self-Anchored Suspension Bridge
Letter No. 05.03.01-000744

Michael Flowers
Project Executive
American Bridge/Fluor Enterprises, a JV
375 Burma Road
Oakland, CA 94607

Dear Michael Flowers,

ABF Protest of CCO 21

The Department is in receipt of ABF-CAL-LTR-000297, dated September 12, 2007, regarding ABF's protest to the compensation provided in CCO 21. The Department does not consider the protest presented as adequate justification to warrant modification to CCO 21. ABF has yet to address the issues in State Letter 05.03.01-000490, including consideration of credits due to the Department.

Authority to proceed for CCO 21 was issued on July 20, 2006, along with a request for a summary of cost impacts. The Department has since, on numerous occasions, requested satisfactory documentation in support of the alleged change in character impacts. In spite of this, after 15 months, adequate documentation in support of a net change in character adjustment at the fabrication shop has not been provided. It appears the steel fabricator, ZPMC, is only willing to provide cost increase impacts, while ignoring consideration of impacts which result in decreased costs. The Department's analysis of cost impacts indicates the change in character impacts to the fabrication portion of the work will result in a net credit to the State.

If ABF wishes to pursue its dispute regarding this matter, a notice of potential claim must be submitted within 5 days of receipt of this letter in accordance with Section 9-1.04, "Notice of Potential Claim," of the Standard Specifications as modified by the Special Provisions. Failure to conform to the dispute procedures will be deemed as the Contractor's waiver of the potential claim and a waiver of the right to a corresponding claim for the disputed work in the administrative claim process.

Sincerely,

<<< ORIGINAL SIGNED >>>

GARY PURSELL
Resident Engineer

cc: Don Ross
file: 05.03.01