

DEPARTMENT OF TRANSPORTATION - District 4 Toll Bridge Program

333 Burma Rd.

Oakland, CA 94607

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July 29, 2008

Contract No. 04-0120F4
04-SF-80-13.2 / 13.9
Self-Anchored Suspension Bridge
Letter No. 05.03.01-002451Michael Flowers
Project Executive
American Bridge/Fluor, A JV
375 Burma Road
Oakland, CA 94607

Dear Michael Flowers,

Protest of WSWD Report No. 112

The Department has considered ABF-CAL-LTR-000597, dated July 21, 2008, protesting the accuracy of Weekly Statement of Working Day (WSWD) – Report Number 112. It is understood the protest is related to the designation that July 2, 2008 through July 4, 2008 inclusive, as chargeable working days, when a power outage had shut down operations at ZPMC.

It is the Departments understanding the power outage was caused when a submarine power cable servicing the island was damaged by the anchor of a vessel.

We are unable to consider the power outage days as non-working days as the Contract does not provide for the assessment of non-working days in any event. Section 4, "Beginning of Work, Time of Completion and Liquidated Damages," of the Special Provisions defines a working day as any day, with no exceptions. Furthermore, a power outage does not satisfy the Contract provisions for consideration of a time extension under section 8-1.07, "Liquidated Damages," of the Standard Specifications.

Sincerely,

A handwritten signature in blue ink that reads "Gary Purcell".

GARY PURSELL
Resident Engineercc: Don Ross
file: 05.03.01, 26.07, 27.01