



STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

REQUEST FOR PROPOSALS

FOR DESIGN AND CONSTRUCTION ON STATE HIGHWAY IN

SAN DIEGO ON I-805 FROM JUST NORTH OF SR-52 TO JUST
NORTH OF MIRA MESA BOULEVARD

CONTRACT NO. 11-2T2004

PROJECT ID 11000201914

11-SD-805-PM 23.2/26.7

Federal Aid Project

Addendum No. 6 Issued January 9, 2012

The Department issues this Addendum No. 6 to inform Proposers of the following changes and corrections to the RFP.

BOOK 1 DESIGN-BUILD CONTRACT

The Book 1, Design-Build Contract, is modified as indicated by the deletions and additions set forth below.

Section 19 Partnering, Dispute Resolution

Section 19.2.1 “General Provisions” is modified as indicated below:

19.2.1 General Provisions

The Design-Builder shall comply with the requirements of this section in order to pursue a claim ~~or~~ file for [Arbitration](#), ~~or file for litigation~~.

The Parties shall use reasonable efforts to resolve Disputes under this [Section 19.2](#) in a timely manner.

Use the informal dispute resolution process in accordance with [Section 19.2.2](#) for all disputes.

Once the informal dispute resolution process has been exhausted, the following Disputes shall be referred to the Dispute Resolution Board (DRB) in accordance with [Section 19.2.3](#): (a) Disputes arising from Construction Claims up to and before Final Acceptance; and (b) Disputes arising from Construction Claims after Final Acceptance.

If the Parties are unable to resolve Disputes regarding Construction Claims or non-Construction Claims (other than for tort liability claims arising out of personal injury or wrongful death) arising before Final Acceptance in accordance with this [Section 19.2](#), the claiming Party may initiate a single legal action to resolve such Claims after Final Acceptance by filing a [complaint in Arbitration. Public Contract Code § 10240 through 10240.13 provides for the resolution of contract claims by Arbitration.](#)

[An Arbitration is initiated by filing a complaint with the Office of Administrative Hearings in Sacramento \(1 CA Code of Regulations § 1350\). The complaint in Arbitration must be filed no later than 90 days after the Final Acceptance Date \(Public Contract Code § 10240\)](#) ~~civil action in San Diego Superior Court~~. Neither Party shall have the right to litigate its Construction Claims or non-Construction Claims arising before Final Acceptance ~~or~~ in multiple ~~civil actions~~ [Arbitrations](#). Neither Party shall have the right to assert, and each Party hereby waives the right to assert, the statute of limitations as a defense to any such Claims provided such Claims are stated in a complaint in [Arbitration](#) ~~a single civil action~~ filed within ~~45~~ [90](#) days after the Final Acceptance Date and conclusion of all DRB proceedings respecting such Claims.

Exhibit A Acronyms and Definitions

Add the following definition for “Arbitration” to Section A.2 “Definitions”:

Arbitration

The contract dispute resolution process outlined in Division 2, Part 2, Article 7.1. of the Public Contract Code commencing with Sections 10240 et seq.