

NOTICE OF POTENTIAL CLAIM

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Received By	Date

TO: Pedro Sanchess	CONTRACT NUMBER: 04-0120E4	(For Resident Engineer) DATE: December 10, 2004 NOPC NO.: USI NOPC #1
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This is a Notice of Potential Claim for additional compensation submitted as required under the provisions of Section 9-1.04 "Notice of Potential Claim," of the Standard Specifications. The act of the Engineer, or his/her failure to act, or the event, thing, occurrence, or other cause giving rise to the potential claim Occurred on **DATE: December 6, 2004**

The particular nature and circumstances of this potential claim are described as follows:

Based upon Caltrans Letter No. 05.003.01-000341 dated December 6, 2004, Universal Structural, Inc. (USI) and Thompson Metal Fab., Inc. (TMF) are filing a potential claim for the UT Examination of the PJP Welds.

Caltrans' position as stated in the letter and meetings, that all testing and acceptance criteria are provided for in the Contract Documents such that an acceptable procedure can be successfully developed and relied upon for the verification of weld depth and weld quality of all PJP welds, is in dispute.

USI's and TMF's position is that no information is provided in the Contract Documents to comply with the requirements to develop and rely upon such a procedure. The Contract refers to AWS D1.5 for the criteria; however, D1.5 does not address UT of PJP Welds for depth or quality.

The undersigned originator (Contractor or Subcontractor as appropriate) certifies that the above statements are made in full cognizance of the California False Claims Act, Government Code sections 12650-12655. The undersigned further understands and agrees that this potential claim to be further considered, unless resolved, must fully conform to the requirements in Section 9-1.04 of the Standard Specifications and must be stated as a claim in the Contractors written statement of claims in conformance with Section 9-1.07B of the Standard Specifications.

Universal Structural, Inc.

SUBCONTRACTOR or CONTRACTOR

(Circle One)

*[Handwritten Signature]*

(Authorized Representative)

or subcontractor notice of potential claim

This notice of potential claim is acknowledged and forwarded by

*Kiewit - FCI - Manson ASV*

Prime Contractor

*Gas H. Ashkensen*

(Authorized Representative)

*Christopher J. Villa*

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