



December 6, 2007

Serial Letter: KFM-LET-000351

California Department of Transportation
SFOBB – E2T1 Project
333 Burma Road
Oakland, CA 94607

Attention: Pedro Sanchez

Reference: SAS E2/T1 Foundation Project
Caltrans Contract No 04-0120E4
KFM Job No. 364/4347

Subject: NOPC #5 Proposed Hearing Date

Dear Pedro,

Kiewit/FCI/Manson AJV (KFM) acknowledges there is insufficient time to prepare for a Disputes Resolution Board (DRB) hearing on Notice of Potential Claim (NOPC) #5 tentatively scheduled with the Board for December 11 or 12, 2007. KFM strongly believes it remains in the best interests of both parties to have a DRB hearing on this issue. KFM proposes to schedule a hearing for NOPC #5 for the week of February 4, or early the week of February 11, 2008.

KFM requests the Department consider this alternative and, if acceptable, commit to the proposed hearing timeframe. KFM believes the proposed timeframe would allow both parties to concentrate on completion of the work, allow enough time for proper preparation of hearing materials, and would not interfere unreasonably with contract completion efforts. Please note that KFM personnel will have conflicts due to company meetings late in the week of February 11, 2008 and the entire week of February 25, 2008.

Thank you for your consideration and desire to most effectively resolve this issue. We are prepared to discuss at your earliest convenience any agreements that would have to be made to accommodate this proposal.

Sincerely,
KIEWIT/FCI/MANSON, a JV

Dan Proctor
Construction Manager

Cc: file