

DEPARTMENT OF TRANSPORTATION - District 4 Toll Bridge Program

333 Burma Rd.
Oakland, CA 94607
(510) 286-0538, (510) 286-0550 fax



Kiewit-FCI-Manson, JV
220 Burma Rd.
Oakland, CA 94607

August 24, 2007

Attn: Mr. Dan Proctor
Construction Manager

Contract No. 04-0120E4
04-SF-80-13.4, 13.8
SAS T1 & E2 Foundations
SFOBB-ESSSP

Letter No. 05.003.01-003423

Subject: Request for Clarification of NOPC No. 05

Dear Dan,

During the Weekly Meeting on August 14, 2007, Kiewit-FCI-Manson (KFM) stated that they desired to refer Notice of Potential Claim (NOPC) No. 5 to the Dispute Review Board (DRB) for review. The final documentation provided by KFM indicated that NOPC No. 5 arose from Contract Change Order Nos. 17, 18, and 41. It is the Department's understanding, based upon the discussion on May 21, 2007, that KFM intended to comply with the Department's request for pricing on CCO No. 41, made in the Department's Letter No. 3050 dated April 17, 2007, and that representatives of KFM and the Department would endeavor to reach a "meeting of the minds" to develop a "roadmap" for resolution of the dispute associated with CCO Nos. 17 and 18.

The Department requests that, prior to referral to the DRB, KFM provide clarification of the issue presented in NOPC No. 5. The Contractor is reminded of the requirements of Section 9-1.04, "Notice of Potential Claim," of the amended Standard Specifications.

The Department continues in its willingness to discuss with KFM any and all issues of relevance to the success of the project, including CCO Nos. 17 and 18, as demonstrated by the meeting on May 21, 2007, and others.

If you have any questions or need additional information, please contact Mark Vilcheck at (510) 286-0526.

Sincerely,

<<< ORIGINAL SIGNED >>>

Mark Vilcheck
Structure Representative

For: Pedro J. Sanchez
Resident Engineer

cc: R. Morrow
P. Sanchez
M. Woods

file: 05.003.01, 62.001.05