

DISPUTE REVIEW BOARD

November 25, 2007

State of California - Department of Transportation

Contract Number 04-0120E4 – SAS Bridge-Foundations E2/T1

Mr. Pedro Sanchez
Resident Engineer
Department of Transportation
333 Burma Road
Oakland, CA 94607

Mr Dan Proctor,
Project Manager
Kiewit/FCI/Manson, a JV
220 Burma Road
Oakland, CA 94607

Gentlemen,

Re: Contract 04-0120E4
Dispute Review Board
NOPC #6 – Trainee Welder Issue

During the course of the DRB Hearing on NOPC #6- Trainee Welder Issue, the Board received conflicting evidence/ testimony from the parties regarding TBS's utilization of trainee welder operators on production welding using the SAW process.

1. TBS maintained it had a long established shop practice, of using Trainee Welding Operators on production SAW, including prior Caltrans Projects having more or less the same welding specification requirements as Contract 04-0120E4, as well as on this contract until December 6, 2005.
2. Caltrans testified that TBS did not use Trainee Welding Operators on production SAW welding on prior Department contracts, nor on this contract until December 6, 2005.

The Board requests written submissions from the parties providing evidence in support of their respective positions, including affidavits/signed written statements, from representatives with direct knowledge of the utilization of trainee welders in production SAW on the prior Caltrans Contracts identified by TBS in its Position Paper, as well as on Contract 04-0120E4 until December 6, 2005 . This information should be delivered to each DRB member and the other party by December 11, 2007.



Warren M. Bullock
DRB Chair

Cc Mr. R. Lewis-DRB Member
Mr. R. Maasberg-DRB Member

007670 NOV 27 5

RECEIVED

21.002

Rec'd thru e-mail

11-25-07

DISPUTE REVIEW BOARD

November 25, 2007

State of California - Department of Transportation

Contract Number 04-0120E4 – SAS Bridge-Foundations E2/T1

Mr. Pedro Sanchez
Resident Engineer
Department of Transportation
333 Burma Road
Oakland, CA 94607

Mr Dan Proctor,
Project Manager
Kiewit/FCI/Manson, a JV
220 Burma Road
Oakland, CA 94607

Gentlemen,

Re: Contract 04-0120E4
Dispute Review Board
NOPC #6 – Trainee Welder Issue

During the course of the DRB Hearing on NOPC #6- Trainee Welder Issue, the Board received conflicting evidence/ testimony from the parties regarding TBS's utilization of trainee welder operators on production welding using the SAW process.

1. TBS maintained it had a long established shop practice, of using Trainee Welding Operators on production SAW, including prior Caltrans Projects having more or less the same welding specification requirements as Contract 04-0120E4, as well as on this contract until December 6, 2005.
2. Caltrans testified that TBS did not use Trainee Welding Operators on production SAW welding on prior Department contracts, nor on this contract until December 6, 2005.

The Board requests written submissions from the parties providing evidence in support of their respective positions, including affidavits/signed written statements, from representatives with direct knowledge of the utilization of trainee welders in production SAW on the prior Caltrans Contracts identified by TBS in its Position Paper, as well as on Contract 04-0120E4 until December 6, 2005 . This information should be delivered to each DRB member and the other party by December 11, 2007.

Warren M. Bullock
DRB Chair

Cc Mr. R. Lewis-DRB Member
Mr. R. Maasberg-DRB Member

21.002

007670 NOV 25

RECEIVED