

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

Attn: Mr. Dan Proctor
Construction Manager

September 5, 2007

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

Letter No. 05.003.01-003447

Subject: Acknowledgement of receipt of KFM's Transmittal No. 572, Revision No. 00 (Final Notice of Potential Claim #06-062007 -- TBS Welder Trainees)

Dear Dan,

The Department has received Kiewit-FCI-Manson (KFM) Transmittal No. 572, Revision No. 00, dated July 13, 2007, which provided the Contractor's final notice of potential claim (NOPC) No. 06 regarding alleged impacts to Trans Bay Steel Corp. (TBS) steel pipe piling production work performed using unqualified trainee welders due to the Department's issuing of NCRs for unqualified welders performing production work.

As stated in Letter Nos. 3300, and 3235, the Department reminded KFM in Letter Nos. 2147 and 2955 and in numerous weekly meetings, the contractual requirements pertaining to timely notice of disputes arising under the contract. However, the Contractor did not submit the initial notice of potential claim within the time frame allowed in Section 9-1.04, "Notice of Potential Claim," of the amended Standard Specifications and failed to conform to the specified contractual dispute procedures.

The Department understands that this issue has been forwarded to the Disputes Review Board (DRB) in KFM's Transmittal No. 569, Revision No. 00, dated July 3, 2007. This "Final Notice of Potential Claim #06-062007 -- TBS Welder Trainees", will be filed with no further processing.

If you have any question, please contact this office at (510) 286-0538.

Sincerely,

Pedro J. Sanchez
Resident Engineer

cc: R. Morrow
P. Sanchez
M. Woods
M. Vilcheck

file: 05.003.01, 62.001.06