

DEPARTMENT OF TRANSPORTATION - District 4 Toll Bridge Program

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Kiewit-FCI-Manson, JV
96 Solano Avenue
Vallejo, CA 94590

Attn: Mr. Dan Proctor
Construction Manager

April 07, 2008

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

Letter No. 05.003.01-003893

Subject: Response to Kiewit-FCI-Manson (KFM) Transmittal No.749 - NOPC 6- DRB Compensation Hearing Request

Dear Dan,

The Department has reviewed KFM-TRN-000749, regarding a request from KFM and Trans Bay Steel, Corp. (TBS) to the Dispute Review Board for a hearing to make a recommendation with respect to compensation for Notice of Potential Claim No. 6.

Section V "Time for Beginning and Completion" of the Dispute Review Board Agreement establishes that the DRB "shall be in operation until the day of acceptance of the contract". Therefore, the DRB cannot be used in the dispute resolution process after the contract acceptance. However, in accordance to Section 5-1.15 "Dispute Review Board" of the Special Provisions "After acceptance of contract, disputes or potential claims which have followed the dispute resolution processes of the Standard Specifications and these special provisions, but have not been resolved, shall be stated or restated by the Contractor, in response to the Proposed Final Estimate within the time limits provided in Section 9-1.07B, "Final Payment and Claims" of the Standard Specifications".

The Department reminds KFM, that as stated in its Letter 05.013.01.000012, "the Department will accept and review information from the Contractor to ensure that any proven additional costs and delays are compensated". To this date, the Department has not yet received additional information proving those claimed additional costs or delays.

If you have any question, or require additional information please call this office.

Sincerely,

Pedro J. Sanchez
Resident Engineer

cc: DRB Members: Warren Bullock, Richard Lewis, Ronald Massberg, M. Woods, M. Vilcheck

file: 05.003.01, 62.001.06